

BIOGRAPHY OF MAHFUJ ALAM

REVOLUTIONARY MIND,
STATE POWER AND
THE UNFINISHED REPUBLIC

তাসমাণ্ডে

জুলাই

S M NAZMUZ SAKIB

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PART ONE: THE MAKING OF A REVOLUTIONARY INTELLECT, THE ARCHITECTURE OF DISSENT, AND THE JURISPRUDENCE OF POLITICAL TRANSFORMATION IN BANGLADESH

Editor's Preface

This textbook series emerges from a recognition that the biography of a political figure cannot be told in isolation from the legal, philosophical, historical, and institutional frameworks within which that figure operates. The life of Md. Mahfuj Alam, student activist, political strategist, and former Adviser for Information and Broadcasting to the Interim Government of Bangladesh, offers one of the most instructive case studies of twenty-first century political transformation in South Asia. His biography is not merely the story of one individual. It is the story of a generation, a constitutional rupture, a media landscape in crisis, and a nation searching for a new settlement between authority and liberty, tradition and reform, youth and entrenched power.

The chapters that follow engage seriously with the theoretical traditions that illuminate this story. We draw on jurisprudential philosophy, political theory, constitutional law, comparative media regulation, postcolonial theory, theories of revolution and legitimacy, and the emerging scholarship on digital mobilisation and generational politics. We situate Alam's life and work within the historical arc of Bangladesh since independence in 1971, and within the global intellectual movements that have sought to articulate what justice, governance, and freedom mean in the twenty-first century.

This first part covers the formative period of Alam's life, the intellectual and political context of his emergence, the structure of the Bangladeshi state and its contradictions, the theoretical underpinnings of the July Revolution of 2024, and the constitutional questions surrounding the formation of the interim government that brought him to power. It is designed to serve both as a historical and biographical account and as a rigorous introduction to the theoretical frameworks that any serious student of Bangladeshi politics, South Asian constitutional law, or comparative revolution studies must understand.

The authors have made every effort to be analytically rigorous while remaining accessible. Footnotes and theoretical digressions are integrated into the text rather than separated from it, so

that readers encounter theory not as a burden but as an explanatory tool. The aim throughout is to help readers understand not just what happened, but why, in what institutional and philosophical context, with what precedents, and with what implications for the future of democratic governance.

CHAPTER ONE: ORIGINS, FORMATION, AND THE INTELLECTUAL GEOGRAPHY OF A REVOLUTIONARY

1.1 The Geographical and Social Starting Point

Mahfuj Alam was born in Lakshmipur District, a coastal district in the Chittagong Division of Bangladesh. Lakshmipur sits in the delta formed by the Meghna River, one of the three principal rivers that constitute the great Bengal delta system. The geography matters not merely as background but as a social and political fact. The coastal and river districts of Bangladesh have historically produced a distinctive social profile: communities that are simultaneously mobile and rooted, connected to broader networks of trade, migration, and Islamic scholarship while remaining deeply tied to local agrarian and small-merchant economies.

Ramganj Upazila, the subdistrict from which Alam hails, is a locality shaped by the rhythms of rural Bengal. Like much of Bangladesh's countryside, it is a place where extended family networks, mosque-centred community life, and the local economy of small commerce and agriculture remain the dominant realities. It is important to understand this background because it shapes the social identity of a figure who would later become one of the most prominent youth voices in national politics. Alam did not emerge from the urban elite milieu that has historically produced much of Bangladesh's political class. He came from the countryside, from a religious family, from a background in Islamic educational institutions before entering the secular university system.

His early education at Gallak Darussunnat Alim Madrasa in Chandpur and later at Tamirul Millat Kamil Madrasa represents a trajectory that is common in rural Bangladesh but rarely visible in the halls of power. The madrasa system in Bangladesh is itself a complex and contested institution. The Alim and Kamil degrees are recognised by the Bangladesh government as equivalents to certain levels of secular education, but the madrasa pipeline into national politics and elite institutions remains narrow. Alam's movement through this system and his subsequent enrollment in the University of Dhaka's Department of Law in 2015 represents a distinctive biography: a young man from a religious educational tradition who enters the most prestigious secular university in the country and discovers, in the Department of Law, not merely a professional qualification but a political and intellectual vocation.

1.2 The University of Dhaka: Institution, History, and Political Culture

The University of Dhaka is not simply an educational institution. It is a political actor in its own right, a site of historical memory, and the institutional centre of Bengali intellectual and nationalist life. Founded in 1921 under the British colonial government, the university was from

its inception both an instrument of colonial education and a site of resistance to colonial power. The university's history is inseparable from the history of the Bengali nationalist movement, the Language Movement of 1952, the independence struggle of 1971, and virtually every major political upheaval in Bangladesh since independence.

The Language Movement of 1952 deserves particular attention because it established the template for student-led political transformation in Bangladesh that would be repeated, with variations, in 2024. In February 1952, students of the University of Dhaka and other Dhaka educational institutions took to the streets to defend the Bengali language against the imposition of Urdu as the sole state language of Pakistan. The movement resulted in the deaths of several students shot by police on February 21, a date now commemorated as International Mother Language Day. This founding act of resistance established several political norms that remain active in Bangladeshi political culture: the legitimacy of student protest as a form of democratic expression, the willingness to sacrifice bodily safety for political principle, and the capacity of youth movements to challenge state authority in ways that alter the course of history.

The university's Department of Law, where Alam enrolled in the academic year 2015-16, has its own distinguished tradition. It has produced judges, lawyers, politicians, and legal scholars who have shaped the Bangladeshi legal system. The curriculum in a Bangladeshi law department typically covers constitutional law, criminal law, civil procedure, Islamic law, international law, and jurisprudence. It is in this context, within the tradition of legal education that asks fundamental questions about the relationship between law, power, and justice, that Alam's political consciousness began to develop in its more systematic form.

What is particularly significant about the Department of Law as a formative context is that legal education, by its nature, trains students to think about legitimacy. Law asks not merely what the rules are but whether they are just, whether they are applied consistently, and whether the institutions that apply them serve the purposes for which they were created. A student who enters law school from a background of Islamic scholarship, with its own rich tradition of jurisprudential inquiry into the foundations of legitimate authority, and who then encounters the secular constitutional framework of Bangladesh, is positioned to ask questions that cut to the heart of the political order.

1.3 The Intellectual Formation: Between Islamic Jurisprudence and Secular Constitutional Thought

To understand Mahfuj Alam as a political actor, one must take seriously the intellectual traditions that shaped him. He is not simply a product of the secular university system. His formation in Islamic educational institutions means that he brings to political questions a framework shaped by centuries of Islamic jurisprudential thought about the nature of legitimate authority, the duties of rulers, and the rights of communities.

Islamic jurisprudence, or *fiqh*, has developed over fourteen centuries an elaborate framework for thinking about political authority. The classical tradition, building on the Quran, the Hadith, and the analytical work of scholars in the great madrasas of the Islamic world, distinguishes between authority that is legitimate (*mashru*) and authority that has forfeited its claim to obedience. The

concept of shura, or consultation, as a norm of governance represents within the Islamic tradition a form of participatory political theory. The principle of maslaha, or public interest, provides a jurisprudential framework for evaluating political decisions by their consequences for the community. The concept of zulm, or oppression, identifies a category of state conduct that removes the obligation of obedience.

These jurisprudential categories are not merely historical curiosities. They represent a living intellectual tradition that shapes the political consciousness of millions of Bangladeshis, including many who operate within ostensibly secular political frameworks. When student leaders in 2024 described the Sheikh Hasina government as oppressive, as tyrannical, as a regime that had forfeited its legitimacy, they were drawing not only on secular liberal political theory but also on a deeper cultural vocabulary rooted in Islamic political thought.

Alam's engagement with Islamic texts, his role as a co-translator of Islamic books with the scholar Abubakar Muhammad Zakaria, and his familial connections to Islamic scholarship through his father-in-law Museh Uddin Madani, a lecturer on Peace TV Bangla, suggest that this Islamic intellectual tradition was not merely background noise in his formation but a constitutive element of his political philosophy.

At the same time, his enrollment in the Department of Law placed him within a secular constitutional tradition that draws on British common law, the Westminster parliamentary model, and the rights-based jurisprudence of international human rights law. The Bangladeshi constitution of 1972, drafted in the immediate aftermath of independence, is itself a product of multiple intellectual traditions: Bengali nationalism, Fabian socialism, South Asian constitutionalism, and the secular parliamentary democracy that the founders of the state believed would best serve the new nation.

The tension between Islamic and secular jurisprudential traditions is one of the fundamental tensions of Bangladeshi political life. It is a tension that Alam has navigated with considerable sophistication. In interviews and public statements, he has consistently argued for a state that is neither Islamist nor anti-religious, that respects the diversity of religious and cultural traditions within Bangladesh, and that treats secularism not as an ideology hostile to religion but as a constitutional framework for managing religious pluralism without discrimination.

This position reflects a sophisticated jurisprudential stance that deserves serious theoretical analysis. It draws on what scholars have called post-Islamism, a political and intellectual orientation that accepts the modern state and its constitutional framework while maintaining a commitment to Islamic values and community identity. Post-Islamism, a concept developed by the sociologist Asef Bayat in his analysis of political movements in Iran, Egypt, Turkey, and elsewhere, describes a condition in which the utopian project of an Islamic state is abandoned in favour of a more modest engagement with existing political institutions on the basis of Islamic ethical principles. Whether Alam's position qualifies as post-Islamist in this technical sense is a matter for analytical debate, but the broader orientation is clear: he seeks a Bangladesh that accommodates religious identity within a pluralist constitutional order rather than one that suppresses religious identity in the name of secularism or enforces religious uniformity in the name of Islam.

1.4 The Intellectual Culture of Student Politics at Dhaka University

Student politics at the University of Dhaka has a character unlike student politics in most of the world. It is not merely extra-curricular activity. It is, in the Bangladesh context, one of the primary routes through which political parties recruit future leaders, through which national political contestations play out on a manageable scale, and through which the political consciousness of each generation of educated Bangladeshis is formed.

The Bangladesh Chhatra League (BCL), the student wing of the Awami League, has historically dominated campus politics at Dhaka University, using the resources and protection of the ruling party to maintain its position. This dominance has not been without violence. The coercive methods used by BCL to suppress dissent on campus, including physical attacks on rival student organisations and intimidation of ordinary students, became one of the defining grievances that fuelled the 2024 uprising.

Alam's political orientation placed him outside the BCL orbit. His engagement with political movements on campus was oriented toward what might be described as a reformist civil society politics: a concern with systemic injustice, bureaucratic discrimination, and the exclusionary character of the political system rather than with the partisan competition between Awami League and BNP that has structured Bangladeshi politics for decades.

The study circle he ran, called Gurobar Adda (Thursday Gathering), is a revealing institutional detail. The adda tradition in Bengali intellectual culture refers to informal gatherings for intellectual discussion, a form of intellectual sociality that has historically been central to the production of political and cultural ideas in Bengal. By organising a structured study circle under this name, Alam was participating in a long tradition of extra-institutional intellectual formation. The adda is where ideas are tested, where political consciousness is developed, and where the bonds of intellectual community that sustain political movements are formed.

His work as an editor of the film magazine Purbopokkho (Eastern Perspective) similarly places him within a tradition of cultural-political engagement that understands the relationship between culture, consciousness, and political change. The name itself is significant: the eastern perspective, the perspective from the periphery, from the region that was historically subordinated within the political economy of Bengal and later Pakistan and sometimes within Bangladesh's own centrist politics. There is a connection here to the intellectual tradition of subaltern studies, the scholarly project associated with historians like Ranajit Guha, Partha Chatterjee, and Dipesh Chakrabarty, which sought to recover the political subjectivity of those excluded from mainstream historical and political narratives.

1.5 Theoretical Framework: Bourdieu, Social Capital, and Political Formation

Pierre Bourdieu's theoretical framework, particularly his concepts of social capital, cultural capital, and the field theory of social action, offers a useful lens for understanding Alam's political formation. Bourdieu argues that social positions are not simply the result of individual talent or effort but are produced through the accumulation of different forms of capital, including

economic capital (material resources), social capital (networks of relationships), and cultural capital (educational credentials, cultural knowledge, and symbolic recognition).

Alam's trajectory illustrates both the possibilities and the limits of this framework. He entered the University of Dhaka with relatively modest economic capital, coming from a rural background in the madrasa system rather than from the urban elite schools that typically feed into Dhaka University's most prestigious departments. But he accumulated cultural capital through his legal education and his engagement with intellectual culture, and social capital through the networks of student activism that he helped to build.

What is particularly interesting is the form of social capital that Alam built: not the vertical networks of patron-client relationships that characterise much of Bangladeshi political life, in which junior politicians attach themselves to senior figures who provide resources and protection in exchange for loyalty, but the horizontal networks of peer solidarity that characterise social movement organisations. This distinction between vertical and horizontal social capital is theoretically important. Vertical social capital tends to reproduce existing hierarchies. Horizontal social capital, particularly when combined with effective organisational structures and clear collective goals, can generate the kind of collective action that challenges those hierarchies.

The Anti-Discrimination Students Movement (ADSM), of which Alam became a key coordinator, was precisely this kind of horizontal network. It was deliberately structured to avoid dependence on established political parties, and its leadership was deliberately distributed across multiple individuals to prevent the kind of single-point vulnerability that allows authoritarian governments to decapitate movements by arresting key leaders.

1.6 The Formation of Political Identity: Between Tradition and Transformation

It is worth pausing to reflect on what kind of political identity Mahfuj Alam represents. He is a figure who resists easy categorisation within the binary frameworks that have structured Bangladeshi politics for half a century. He is not simply an Awami Leaguer or a BNP partisan. He is not an Islamist in the classic sense, but he is not a secularist hostile to religion. He is not a class-conscious leftist in the Marxist-Leninist tradition, but he is deeply concerned with economic inequality and the politics of discrimination. He is not a straightforward liberal democrat in the Western mould, but he is committed to democratic governance, press freedom, and the rule of law.

This political identity is perhaps best understood through the lens of what the political theorist Chantal Mouffe calls the agonistic model of democracy, as distinct from both the liberal deliberative model associated with Jurgen Habermas and the radical democratic model associated with Ernesto Laclau and Mouffe's own earlier work. In the agonistic model, democratic politics is understood as a field of contestation between adversaries who share a common democratic framework but disagree fundamentally about how that framework should be interpreted and what values it should embody. The goal is not consensus but a form of civilised conflict in which different visions of the political community can compete without resorting to violence.

Alam's political vision, as articulated in his public statements, appears to embody something like this agonistic democratic sensibility. He is not seeking to eliminate political conflict but to transform it: to create a political culture in which the legitimate grievances of students, of the young, of the religious, of the marginalised, can be expressed and contested through democratic institutions rather than suppressed by authoritarian force.

CHAPTER TWO: THE BANGLADESHI STATE, ITS CONSTITUTIONAL HISTORY, AND THE SEEDS OF CRISIS

2.1 Independence, Constitution, and the Founding Compact

Bangladesh declared independence from Pakistan on March 26, 1971, following a brutal military crackdown by the Pakistani army that began on March 25, 1971 in what became known as Operation Searchlight. The nine-month liberation war that followed involved the armed resistance of the Mukti Bahini (Freedom Fighters), Indian military intervention, and the eventual surrender of Pakistani forces on December 16, 1971. The war resulted in the deaths of between 300,000 and 3 million people by various estimates, the displacement of tens of millions, and the systematic rape of hundreds of thousands of women, crimes that have been litigated before the International Crimes Tribunal established by the Bangladeshi government in 2010.

The constitution of Bangladesh, adopted on November 4, 1972, is a founding document of remarkable ambition and internal tension. It established Bangladesh as a secular parliamentary democracy built on four fundamental principles: nationalism, socialism, democracy, and secularism. These four principles, known as the Mujibism or Mujibad after Sheikh Mujibur Rahman, the founding leader known as Bangabandhu or Father of the Nation, reflected both the ideological commitments of the Awami League leadership and the political context of the time.

The secular principle was particularly significant. Bangladesh was a predominantly Muslim country, but its founders believed that the horrors of the 1971 war, which had been conducted partly in the name of Pakistani Islamic identity, demanded a clear repudiation of religiously exclusive nationalism in favour of a pluralist Bengali national identity. The constitution's secularism was not atheism or hostility to religion; it was a commitment to state neutrality between religious communities and to the protection of all citizens regardless of their religious identity.

This founding commitment to secularism was contested almost from the beginning. Sheikh Mujibur Rahman himself moved away from it in the last year of his life, under pressure from political Islam and amid the chaos of the post-independence period. The Fourth Amendment to the constitution in 1975, which converted Bangladesh from a parliamentary to a presidential system and established a one-party state, was already a betrayal of the democratic foundations of the founding compact. Mujibur Rahman's assassination in August 1975 in a military coup opened the way for a series of military governments that would fundamentally reshape Bangladesh's constitutional order.

2.2 Military Rule, Constitutional Manipulation, and the Erosion of the Founding Compact

The period from 1975 to 1990 was defined by military rule, first under General Ziaur Rahman (1975-1981) and then under General Hussain Muhammad Ershad (1982-1990). Both military rulers engaged in systematic constitutional manipulation to provide legal cover for their seizures of power and to reshape the constitutional order in accordance with their political interests.

General Ziaur Rahman's Fifth Amendment to the constitution in 1979 made several significant changes that had lasting consequences. It removed secularism as a state principle and replaced it with the phrase "Absolute trust and faith in Almighty Allah." It introduced the phrase "Bismillah-ir-Rahman-ir-Rahim" (In the name of God, the Most Gracious, the Most Merciful) into the preamble to the constitution. These changes represented a fundamental departure from the founding secular compact and reflected the attempt of a military government to legitimise itself through an appeal to religious sentiment.

The Eighth Amendment to the constitution in 1988, enacted during General Ershad's rule, went further still, declaring Islam the state religion of Bangladesh. This was a radical departure not only from the secular founding compact but from the norms of constitutional law in plural societies, since it elevated one religious tradition to a position of formal state recognition while treating adherents of other religions as, in constitutional terms, second-class citizens.

The political and jurisprudential consequences of these changes have been debated extensively in Bangladeshi constitutional scholarship. The Supreme Court of Bangladesh addressed some of these issues in the landmark case of *Anwar Hossain Chowdhury v Bangladesh* (1989), in which the Appellate Division held that certain constitutional amendments could be struck down as violating the basic structure of the constitution, adopting the basic structure doctrine first articulated by the Indian Supreme Court in *Kesavananda Bharati v State of Kerala* (1973). This was a significant development in Bangladeshi constitutional jurisprudence, establishing that even the parliament's constituent power was not unlimited and that certain fundamental features of the constitution, including democracy and the rule of law, could not be abrogated by constitutional amendment.

The basic structure doctrine, borrowed from Indian constitutional jurisprudence but with roots in the German constitutional tradition's concept of the unamendable core of the Basic Law (*Ewigkeitsklausel*), represents one of the most important developments in modern constitutional theory. It holds that constitutions have an identity that transcends the specific texts adopted at any moment, and that constitutional amendments that destroy the fundamental character of the constitution are *ultra vires*, beyond the legal power of the amending authority. This doctrine has been applied in Bangladesh, India, Germany, and several other jurisdictions as a check on constitutional autarchy, the use of constitutional amendment procedures to dismantle constitutional democracy itself.

General Ershad's forced resignation in 1990, following mass protests led by a coalition of students, opposition parties, and civil society organisations, was itself a precedent for the 2024 uprising. The student movement of 1990 demonstrated that sustained popular protest could compel a military government to surrender power, and it established the institutional pattern of

street mobilisation as a legitimate mechanism of political change in Bangladesh. The parallels with 2024 are instructive: in both cases, student-led protest movements succeeded in forcing the resignation of a government that had used state power to suppress opposition.

2.3 The Democratic Era and Its Discontents: 1991-2009

The period following Ershad's resignation saw the restoration of parliamentary democracy through elections in 1991. Bangladesh entered what became a two-party political system, with power alternating between the Bangladesh Nationalist Party (BNP), led by Begum Khaleda Zia, and the Awami League, led by Sheikh Hasina, the daughter of Sheikh Mujibur Rahman.

This two-party democracy was flawed in fundamental ways. Both major parties were organised around dynastic leadership, with the BNP built around the Zia family and the Awami League built around the Mujib-Hasina dynasty. Both parties used state resources when in power to advantage their own supporters and disadvantage their opponents. Both parties maintained armed student wings, the BCL for the Awami League and the Jatiotabadi Chhatra Dal for the BNP, that engaged in violence and extortion on campuses and in civil society. Both parties contested elections with extraordinary bitterness, treating political competition as a zero-sum game in which the opposition must be destroyed rather than accommodated.

The Thirteenth Amendment to the constitution in 1996 established the system of a neutral caretaker government, under which a non-partisan administration would oversee the holding of elections. This was a response to the BNP's refusal to hold free elections under its own government in 1996, and it represented an acknowledgment that neither major party could be trusted to conduct fair elections on its own. The caretaker government system was itself a remarkable institutional innovation: a constitutional mechanism for managing the fundamental problem of democratic governance, namely how to prevent the incumbent from using state power to steal elections.

The system worked, more or less, through the elections of 1996, 2001, and 2008. But it was abolished in 2011 by the Fifteenth Amendment to the constitution, introduced by the Awami League government of Sheikh Hasina, which had won a massive majority in the 2008 elections. The Supreme Court had ruled in a 2011 advisory opinion that the caretaker system was unconstitutional. The Awami League government used this ruling as justification for abolishing the system, but critics argued that the ruling was itself politically motivated and that the abolition of the caretaker system removed the most important institutional safeguard against electoral fraud.

The constitutional and jurisprudential controversy surrounding the abolition of the caretaker system is central to understanding the political crisis that culminated in the 2024 uprising. Without a neutral caretaker mechanism, the incumbent government was both the player and the referee in electoral competitions. The elections of 2014 and 2018, conducted under Awami League governments, were widely criticised as fraudulent. The 2014 election was boycotted by the BNP and saw many constituencies returned uncontested. The 2018 election was described by international observers as marked by serious irregularities, including ballot stuffing and intimidation of voters.

By the time of the January 2024 elections, which were again boycotted by the major opposition parties, the Bangladeshi electoral system had been hollowed out of its democratic substance. Elections continued to take place on schedule, but they had ceased to serve the function of enabling genuine popular choice between competing parties and programmes. The form of democracy was maintained while its substance was progressively emptied.

2.4 The Hasina Era: 2009-2024 and the Architecture of Autocracy

Sheikh Hasina's governments from 2009 to 2024 represent the most consequential period in Bangladesh's constitutional history since the immediate post-independence years. It was a period of remarkable economic growth, with Bangladesh achieving sustained GDP growth rates of around 6-7 percent per year, a transformation of the garment industry into the world's second-largest exporter, and significant improvements in human development indicators including literacy, maternal mortality, and child nutrition.

But it was also a period of systematic democratic backsliding. The literature on democratic backsliding, which has grown substantially in the 2010s and 2020s in response to comparable developments in Hungary, Turkey, India, and elsewhere, identifies a characteristic pattern: instead of the dramatic coups that terminated democracies in the twentieth century, the contemporary form of autocratisation proceeds through the gradual capture of institutions, using formally legal mechanisms to disable the checks and balances that protect democratic governance.

Steven Levitsky and Lucan Way's work on competitive authoritarianism, and subsequently Levitsky and Daniel Ziblatt's analysis in "How Democracies Die," provide frameworks for understanding what happened in Bangladesh under Hasina. The Awami League government progressively captured the judiciary, the election commission, the civil service, the police and security apparatus, and the media landscape. Opposition politicians were subjected to mass prosecutions that appeared politically motivated. Civil society organisations were harassed and regulated into compliance. The media was brought to heel through a combination of advertising pressure, ownership manipulation, and the Digital Security Act.

The Digital Security Act of 2018 deserves particular attention because it becomes central to understanding both the suppression of free expression under Hasina and the media reform challenges faced by Mahfuj Alam as Information Adviser. The DSA, and its successor the Cyber Security Act of 2023, were instruments of political control disguised as regulatory legislation. Under these laws, the publication of "false" or "offensive" content online could result in criminal prosecution, with provisions for multi-year imprisonment. The vagueness of the prohibited categories gave enormous discretionary power to law enforcement authorities, who used it systematically against journalists, bloggers, political activists, and ordinary citizens who criticised the government or the ruling family.

The jurisprudential critique of the DSA and CSA draws on several bodies of international law and legal theory. Article 19 of the International Covenant on Civil and Political Rights, which Bangladesh has ratified, protects freedom of expression and provides that restrictions on this freedom must be prescribed by law, necessary for specific legitimate purposes (including

protecting the rights of others and national security), and proportionate to those purposes. The Human Rights Committee's General Comment 34 (2011) provides detailed guidance on the interpretation of Article 19, making clear that restrictions on freedom of expression must meet a high threshold of necessity and proportionality and that general prohibitions on "false" or "offensive" speech are incompatible with the ICCPR.

The DSA and CSA failed this test manifestly. Their vague prohibitions and severe criminal penalties created a chilling effect on free expression far beyond any legitimate regulatory purpose. The systematic use of these laws against government critics, as documented by human rights organisations including Amnesty International, Human Rights Watch, and Article 19, demonstrates that they were in practice instruments of political suppression rather than legitimate regulatory tools.

2.5 The Quota System: History, Jurisprudence, and Political Controversy

The quota system in Bangladesh's civil service is one of the most significant and contested features of the country's approach to affirmative action and social equity. Understanding its history and jurisprudential dimensions is essential to understanding the 2024 uprising and Mahfuj Alam's role in it.

Bangladesh's civil service quota system has its origins in the state's recognition that different social groups have unequal access to the educational and social resources needed to compete effectively for government employment. The system established reserved percentages of civil service positions for various categories of candidates, including freedom fighters (those who participated in the 1971 liberation war) and their descendants, women, people from underdeveloped districts, and ethnic minorities.

The freedom fighter quota, which reserved 30 percent of civil service positions for descendants of 1971 freedom fighters, was the most controversial element of the system. Its defenders argued that it was a form of restorative justice, acknowledging the enormous sacrifices made by freedom fighters and their families in the liberation struggle and ensuring that those sacrifices translated into material benefits for their descendants. Its critics argued that it had become a form of political patronage, since the definition of who qualifies as a freedom fighter is controlled by the state and has been subject to political manipulation, and that it violated the principle of merit-based recruitment by reserving a large proportion of positions for a category defined by ancestry rather than ability.

The theoretical framework of affirmative action jurisprudence is relevant here. The jurisprudence of affirmative action, developed in the United States, India, South Africa, and other jurisdictions, has grappled with fundamental questions about the relationship between equality, diversity, and merit. The US Supreme Court's long engagement with affirmative action in higher education admissions, from *Regents of the University of California v Bakke* (1978) through *Grutter v Bollinger* (2003) to the landmark *Students for Fair Admissions v Harvard* (2023) that ended race-conscious admissions programmes, illustrates the ongoing contestation over these questions.

The Indian Constitution's approach to affirmative action is particularly relevant given Bangladesh's shared legal heritage with India. The Indian Constitution reserves a proportion of civil service positions and parliamentary seats for Scheduled Castes and Scheduled Tribes, groups historically subjected to systematic discrimination. This reservation system has been upheld by the Supreme Court of India, which has developed an elaborate jurisprudence around the concept of "backwardness" and the appropriate limits of reservation. The landmark case of *Indra Sawhney v Union of India* (1992) capped total reservations at 50 percent and established that the "creamy layer" of more affluent members of reserved categories should be excluded from the benefit of reservations.

Bangladesh's situation differs in important respects from India's. The freedom fighter quota is not based on historic social discrimination in the way that caste-based reservations are in India. Its justification is restorative rather than remedial: it seeks to honour past sacrifice rather than to correct ongoing structural disadvantage. This distinction is important because it means that the standard arguments for affirmative action, arguments about correcting structural disadvantages that prevent groups from competing on formally equal terms, apply to the women's quota and the district quota but not in a straightforward way to the freedom fighter quota.

Moreover, the passage of time since 1971 has complicated the moral case for the freedom fighter quota. By 2024, the quota reserved positions for the grandchildren of those who fought in 1971, people who had no personal connection to the liberation struggle and who had not themselves suffered the risks and sacrifices of that struggle. The intergenerational transmission of the quota benefit, in conditions where the definition of freedom fighter was politically controlled, had transformed the system from a recognition of individual sacrifice into a form of hereditary privilege.

The High Court ruling of June 5, 2024, delivered by a bench of Justice KM Kamrul Quader and Justice Khizir Hayat, which declared invalid the 2018 government circular abolishing the quota system, was the immediate trigger for the 2024 uprising. The ruling reversed what students had understood as a settled matter: the government's 2018 abolition of the quota system following the first wave of student protests. The reinstatement of the 30 percent freedom fighter quota by judicial decision, at a time when unemployment among graduates was acute and competition for civil service positions was intense, represented for many students the final straw in a long accumulation of grievances.

The jurisprudential dimensions of the High Court ruling itself are complex. The court's reasoning, that the 2018 circular abolishing the quota was a unilateral executive action that could not override the legislative basis for the quota system, raises important questions about the separation of powers and the relationship between executive policy and legislative mandate. If the quota system was established by statute, then only parliament could abolish it, and an executive circular purporting to do so would indeed be invalid. But if the quota was a matter of executive policy, then the executive should have the power to modify or abolish it.

The Appellate Division's subsequent July 21, 2024 order overturning the High Court ruling and restoring merit-based recruitment, in response to the escalating protests, illustrates both the responsiveness of the court to political pressure and the complex relationship between judicial

review and democratic legitimacy. The court's ability to respond to political developments by modifying its legal position raises questions about judicial independence and the rule of law that are central to constitutional theory.

2.6 The Constitutional Architecture of Legitimacy: Weber, Habermas, and the Bangladesh Crisis

Max Weber's typology of authority provides a useful framework for analysing the constitutional crisis of Bangladesh. Weber distinguished three ideal types of legitimate authority: traditional authority, based on immemorial custom and the sanctity of tradition; charismatic authority, based on the extraordinary personal qualities of a leader; and rational-legal authority, based on a belief in the validity of legal statutes and the authority of those elevated to authority under such rules.

The Bangladeshi political system combined elements of all three types. Sheikh Hasina's authority drew on the charismatic legacy of her father, the Bangabandhu Mujibur Rahman, which conferred a form of dynastic legitimacy rooted in the founding mythology of the nation. It also drew on rational-legal authority, as she was an elected prime minister operating within constitutional structures, however distorted those structures had become. And it drew on the quasi-traditional authority of the two-party system, which had acquired a kind of legitimacy simply through its long duration and its deep embeddedness in the social fabric of Bangladeshi political life.

The crisis of 2024 was in part a crisis of legitimacy across all three of these dimensions. Hasina's charismatic authority was undermined by her comments comparing the student protesters to Razakars, traitors to the liberation struggle, a statement that not only infuriated the students but severed the symbolic connection between her government and the liberation mythology that was its most powerful source of legitimacy. Her rational-legal authority was undermined by the manifest failure of the electoral system to deliver genuine democratic representation. And the quasi-traditional legitimacy of the two-party system was rejected by a generation of young people who had grown up with neither memory of nor investment in the political arrangements that had structured their parents' lives.

Jurgen Habermas's theory of communicative rationality and the public sphere offers another dimension of analysis. Habermas argues that legitimate political authority requires the possibility of rational deliberation in a public sphere where claims to authority can be subjected to critical scrutiny. The Hasina government's systematic suppression of independent journalism, its use of the Digital Security Act to criminalise dissent, and its monopolisation of state media to propagate its own narrative all violated the conditions for legitimate public deliberation. The student uprising can be understood, in Habermasian terms, as a demand for the restoration of the public sphere, for the conditions of rational deliberation that are the foundation of legitimate democratic governance.

CHAPTER THREE: THE MAKING OF THE JULY REVOLUTION, 2024

3.1 The Archaeology of Grievance: Structural Conditions of the Uprising

Revolutions are never merely about their immediate triggers. They are produced by the accumulation of structural conditions that make large sections of the population receptive to mobilisation when a triggering event occurs. Understanding the 2024 Bangladesh uprising requires understanding the structural conditions that had accumulated over years and decades before the specific events of June and July 2024.

The first structural condition was economic. Bangladesh had achieved remarkable economic growth in the two decades since the turn of the century, driven primarily by the ready-made garments sector, which employed millions of workers, predominantly women, in factories producing clothing for Western markets. But this growth had been accompanied by rising inequality and a persistent failure to generate sufficient formal-sector employment to absorb the growing number of educated young people entering the labour market each year.

The expansion of higher education in Bangladesh, including both public universities and a proliferating network of private universities and colleges, had created a large population of degree-holders who found themselves unable to obtain jobs commensurate with their qualifications. The civil service, with its job security, pension benefits, and social prestige, became intensely competitive precisely because private sector alternatives were perceived as less secure and less desirable. In this context, the civil service quota system, which reserved a substantial proportion of available positions for specific categories, was experienced by many graduates as a system that denied them opportunities on the basis of factors unrelated to their merit or effort.

The second structural condition was political. The generation that reached university age in the 2010s and early 2020s had grown up entirely within the period of Awami League dominance. They had no personal memory of the liberation war, no personal investment in the partisan divisions that had structured their parents' politics, and a deep scepticism of both major parties based on their experience of a political system that had progressively excluded young people from meaningful participation.

This generational scepticism was reinforced by the experience of campus life, where the Bangladesh Chhatra League's dominance was experienced as a direct form of oppression. Reports of BCL members extorting students, occupying dormitory facilities, intimidating those who questioned their authority, and receiving police protection when they committed violence were widespread. The BCL's conduct on campus was experienced by students not as a quirk of partisan politics but as a microcosm of the broader political system: a system in which power was held by those connected to the ruling party, in which merit and effort were secondary to political loyalty, and in which violence was used to maintain compliance.

The third structural condition was informational. The rise of social media, particularly Facebook, had transformed the information environment in Bangladesh. The Awami League government's control over traditional media, including state television and most major print outlets, had been effective at shaping the news agenda for older generations accustomed to receiving information through these channels. But for the generation that reached young adulthood in the 2010s,

Facebook and YouTube had become the primary sources of information. These platforms allowed the circulation of videos, images, and commentary that bypassed state media gatekeeping and made visible realities that traditional media had either suppressed or minimised.

The research by scholars examining the role of digital media in the 2024 uprising, including work published in 2025 on the strategic use of Facebook by student organisers, demonstrates that the internet was not merely a communication tool but a platform for the construction of political identity and collective action frames. The creation of Facebook groups and pages under the banner of "Baishammo Virudhi Chhatra Andolan" (Anti-Discrimination Student Protest) allowed the movement to build a shared identity and to coordinate action across different institutions and geographical locations.

The fourth structural condition was psychological. The cumulative effect of years of political suppression, electoral fraud, economic exclusion, and campus violence had produced a condition of suppressed rage in large sections of Bangladesh's young urban population. Hannah Arendt, in her analysis of revolution in "On Revolution" (1963), argues that political violence erupts not from misery alone but from a situation in which misery becomes combined with a sense of injustice and a belief that change is possible. The students of 2024 were not merely suffering; they were angry at the injustice of a system that claimed democratic legitimacy while systematically excluding them, and they were beginning to believe, based on precedents including the 1990 movement and regional examples like the Arab Spring, that collective action could bring about change.

3.2 The Triggering Events: June-July 2024

On June 5, 2024, the High Court of Bangladesh delivered its ruling reinstating the civil service quota system that had been abolished by executive action in 2018. The ruling was the immediate trigger that set in motion the events of the July Revolution.

The student response was immediate. Protests began at Dhaka University and spread rapidly to other universities across the country. The initial demands were specifically focused on the quota system: students demanded the abolition of the freedom fighter quota and a merit-based system for civil service recruitment. The movement organised under the banner of Students Against Discrimination (SAD) and its Liaison Committee, of which Mahfuj Alam was a key coordinator.

The early days of the protest, from June 5 to July 14, were characterised by a relatively focused set of demands around the quota issue. Students blocked roads, organised marches, and held sit-in demonstrations at universities. The government's initial response was to downplay the protests and to insist that the matter was before the courts and would be resolved through the judicial process.

The escalation of the crisis came on July 14, 2024, when Prime Minister Sheikh Hasina made a comment in a press conference that became the single most consequential statement in the entire uprising. Responding to the protesters' use of the slogan "Razakar, Razakar," which students were deploying ironically to mock the government's rhetorical conflation of protest with

collaboration with Pakistani forces in 1971, Hasina questioned whether the grandchildren of Razakars had the right to demand anything from the state.

The comment was a catastrophic political error. By using the word "Razakars" to describe the protesters, Hasina simultaneously insulted the entire student movement, invoked the most charged symbol in Bangladesh's political vocabulary, and revealed a contempt for the young people challenging her authority that shocked even many of her own supporters. The immediate reaction was a massive escalation of protests. Within days, demonstrations that had been largely limited to university campuses expanded to include private university students, high school students, and significant sections of the general public.

The Bangladesh Chhatra League's response to the escalating protests made matters dramatically worse. BCL cadres, armed with sticks, rods, and other weapons, attacked student protesters at multiple locations across the country. The attacks were filmed and immediately circulated on social media, producing exactly the kind of visual evidence of state-affiliated violence against peaceful protesters that had proved so politically damaging to authoritarian governments in the Arab Spring and other uprisings.

The killing of Abu Sayed, a student at Begum Rokeya University in Rangpur, shot by police on July 16, 2024 while standing with his arms outstretched in a deliberately non-threatening posture, became the defining symbolic moment of the uprising. The video of his killing, widely shared on social media, was a visceral demonstration of the government's willingness to use lethal force against unarmed protesters. The political impact was immense, transforming what had been a protest movement into a broader uprising fuelled by grief and outrage.

The government's response to the escalating crisis was a systematic escalation of repression. Universities were ordered to close and dormitories to be evacuated. A nationwide internet shutdown was imposed, cutting Bangladesh off from the global information network and preventing the further circulation of videos and images of violence. A shoot-on-sight curfew was imposed in major cities. Law enforcement agencies, including the police, the Rapid Action Battalion (RAB), and the Border Guard Bangladesh (BGB), as well as army units, were deployed with orders to suppress the protests.

The internet shutdown deserves particular analysis from the perspective of information law and freedom of expression. The imposition of an internet blackout during political protests has become a characteristic tool of authoritarian governance in the twenty-first century. The Freedom House annual report on internet freedom has documented a steady increase in the use of internet shutdowns by governments seeking to prevent the circulation of information about political repression. Bangladesh's July 2024 shutdown, which lasted for approximately eleven days in its most comprehensive form, was one of the most extensive in the country's history and one of the most consequential in its political effects.

The legal framework governing internet shutdowns in Bangladesh is found primarily in the Telecommunication Act 2001, which grants the government broad powers to direct telecommunications service providers to suspend service in the national interest. The vagueness of this mandate, and the absence of meaningful judicial oversight of shutdown orders, means that

the government's power to cut internet access is effectively unreviewable. This represents a fundamental gap in the legal framework for protecting freedom of expression and access to information, a gap that the interim government's media reform agenda would later seek to address.

3.3 The Role of Mahfuj Alam: Strategic Leadership and Intellectual Vision

Mahfuj Alam's role in the 2024 uprising was that of a coordinator of the Liaison Committee of the Anti-Discrimination Students Movement. This institutional position placed him at the intersection of the movement's different strands: the on-the-ground protest activity at university campuses, the political communication and framing of demands, and the engagement with civil society, media, and political actors.

The description of Alam as "the brain" of the revolution, used by Muhammad Yunus in his speech at the Clinton Global Initiative on September 25, 2024, refers specifically to his intellectual and strategic role within the movement. This framing was both a recognition of real contribution and a kind of political positioning. The characterisation of a young activist as the intellectual architect of a revolution serves multiple purposes: it personalises and narrativises the movement for international audiences, it confers legitimacy on Alam as a political actor, and it positions the uprising not as spontaneous chaos but as the product of deliberate strategic thought.

What was the actual content of Alam's intellectual and strategic contribution? Based on available accounts, several elements can be identified. First, he was involved in the construction of the ideological frame of the movement: the articulation of its demands in terms of anti-discrimination, of fundamental rights, and of the right of young people to compete for government positions on the basis of merit rather than ancestry. This framing was crucial because it made the movement's claims intelligible and sympathetic to a wide range of audiences, including those who might not have strong views on the specific question of the quota system but who had a general commitment to fairness and equal opportunity.

Second, Alam was involved in the deliberate cultivation of what scholars of social movements call "coalition potential": the ability of a movement to expand its base beyond its initial constituency by identifying shared concerns that can unite different social groups. The movement's expansion from university students to private university students, to working-class urban youth, to professionals and middle-class citizens, was not spontaneous. It was the product of deliberate outreach and frame-bridging, the process of connecting the specific demands of the initial movement to the broader grievances of wider social groups.

Third, Alam appears to have been involved in the intellectual and cultural preparation of the movement before it became a mass uprising. His study circle, his engagement with political, cultural, and intellectual groups, and his own characterisation of the pre-uprising period as one of "intellectual and cultural groundwork" suggest that the movement was not merely reactive but was built on a prior process of consciousness-building among sections of Dhaka's intellectual and activist community.

3.4 The Theories of Revolution and Their Application

The events of July-August 2024 in Bangladesh invite analysis through the lens of the theories of revolution that have been developed by social scientists and political theorists over the past two centuries. These theories illuminate different aspects of the uprising and help us understand why it succeeded when so many similar movements have failed.

Theda Skocpol's structural theory of revolution, developed in "States and Social Revolutions" (1979), emphasises the role of state crisis and political conflict among elites as prerequisites for successful revolution. Skocpol argues that revolutions do not simply result from popular discontent, which is always present in hierarchical societies, but from the coincidence of state crisis, which weakens the government's capacity for repression, and organised popular pressure. The July Revolution in Bangladesh fits this framework in important respects: the Hasina government's political isolation, its loss of support among sections of the military and the international community, and the internal tensions within the ruling coalition all contributed to the state's eventual inability to sustain its repressive response to the uprising.

Charles Tilly's theory of contentious politics, developed across multiple works including "The Contentious French" (1986), "Popular Contention in Great Britain" (1995), and the later collaborative works with Sidney Tarrow and Doug McAdam, emphasises the role of political opportunities, mobilising structures, and framing processes in determining whether contentious episodes develop into sustained movements. The July Revolution in Bangladesh illustrates all three of Tilly's mechanisms: the political opportunity created by the High Court ruling and Hasina's verbal attack on the protesters, the mobilising structures provided by the university network, student organisations, and social media platforms, and the framing process that transformed a specific protest about quotas into a broader uprising against authoritarianism.

James Scott's theoretical framework of "everyday forms of resistance," developed in "Weapons of the Weak" (1985) and "Domination and the Arts of Resistance" (1990), is relevant to understanding the cultural dimensions of the uprising. Scott argues that subordinate groups develop forms of resistance that do not take the form of open confrontation: foot-dragging, false compliance, gossip, hidden transcripts of dissent. The July Revolution can be seen as the moment when the hidden transcript of Bangladeshi youth politics, the suppressed rage and cynicism toward the political system that had been expressed in private conversation, social media banter, and cultural production, became a public transcript capable of sustaining open confrontation with state authority.

The concept of the "cascade" or "threshold" model of collective action, developed by Mark Granovetter in his classic 1978 article "Threshold Models of Collective Behavior," provides a micro-level account of how individual decisions to join protests aggregate into mass mobilisation. Granovetter's model shows that in a heterogeneous population with varying thresholds of willingness to join collective action, a small initial group of low-threshold actors can trigger a cascade as the visible participation of early activists lowers the perceived risk for those with higher thresholds. The July Revolution shows precisely this cascade dynamic: the initial protests by students with low thresholds were followed by the recruitment of those with higher thresholds as the movement grew and its social presence made participation feel both safer and more necessary.

The concept of a "Gen Z revolution," as the July Revolution has been widely described, points to the generational dimension of the uprising. The sociological literature on generation, from Karl Mannheim's foundational "The Problem of Generations" (1928) through the contemporary research on Millennial and Gen Z political attitudes, emphasises that generations are not simply age cohorts but politically significant groups defined by shared formative experiences. The generation that led the July Revolution in Bangladesh was formed by the internet, by social media, by the experience of economic aspiration combined with systemic exclusion, and by a political environment in which neither major party offered a credible vision of change. This generational formation produced a set of political dispositions, including scepticism of party politics, comfort with digital activism, and a willingness to challenge authority across multiple domains simultaneously, that were precisely suited to the kind of leaderless, decentralised, social-media-enabled protest movement that the July Revolution became.

3.5 The Non-Cooperation Movement and the Fall of Hasina

The movement's evolution through July into a demand not merely for quota reform but for the resignation of the government represents the crucial political transition of the uprising. This transition was not spontaneous but was the product of deliberate strategic decisions by the movement's leadership, including Mahfuj Alam.

The government's use of lethal force against protesters, which resulted in over 200 confirmed deaths in the period from July 16 to August 5 (with unofficial estimates suggesting a much higher toll), transformed the moral calculus of the movement. A protest movement focused on a specific policy demand can negotiate and compromise. A movement that has watched hundreds of its members killed by state violence is no longer in a position to accept anything short of accountability for those deaths and the removal of those responsible.

The "March to Dhaka" programme, originally scheduled for August 6 but brought forward to August 5, 2024, was the culminating moment of the uprising. The announcement that millions of people from across Bangladesh would converge on the capital created a political situation that the government could not survive. The military, which had been the ultimate guarantor of Hasina's power, calculated that attempting to suppress this march by force would result in a level of bloodshed incompatible with its institutional interests and international standing. Bangladesh's military is one of the world's largest contributors to United Nations peacekeeping operations, and its ability to continue in this role, which provides significant revenue and prestige, would have been jeopardised by a massacre of the scale that would have been required to stop the march.

The decision by the military leadership to withdraw support from Hasina, effectively ending her government, is a classic example of what political scientists call "authoritarian fragmentation": the withdrawal of key elite supporters from an authoritarian regime facing mass protests. Daron Acemoglu and James Robinson's framework in "Economic Origins of Dictatorship and Democracy" (2006) models this kind of defection in game-theoretic terms: when elites conclude that the cost of maintaining the regime through repression exceeds the benefits of continued elite protection, they defect, and the regime collapses.

Sheikh Hasina resigned and fled Bangladesh by helicopter on August 5, 2024, departing for India. Her departure ended a 15-year period of Awami League government and opened the most consequential constitutional moment in Bangladesh's history since 1972.

3.6 The Constitutional Crisis: Law, Power, and Legitimacy in the Interregnum

The fall of the Hasina government created an immediate constitutional crisis. The existing constitution of Bangladesh had no provisions for the situation that had arisen: a prime minister had resigned, parliament had been dissolved, and there was no constitutional mechanism for forming an interim government that could manage the transition to new elections.

Article 123 of the Bangladesh Constitution requires that elections be held within 90 days of the dissolution of parliament. But this provision assumes a functioning caretaker mechanism, which had been abolished by the Fifteenth Amendment in 2011. In the absence of a caretaker mechanism, the constitutional text provided no clear guidance about how power should be exercised in the period between the fall of the Hasina government and the formation of a new elected government.

The solution that was adopted, the appointment of Muhammad Yunus as Chief Adviser of an interim government, was not strictly constitutional in the sense of being explicitly authorised by the constitutional text. It was, rather, a political arrangement brokered by a coalition of actors including the military, student protest leaders, and civil society figures, with the acquiescence of the president, Mohammed Shahabuddin. The legal basis for the arrangement was found partly in the presidential appointment power and partly in a more general concept of constitutional necessity, the legal doctrine that holds that actions taken to prevent a complete breakdown of constitutional order may be legally valid even if not explicitly authorised by the constitutional text.

The doctrine of constitutional necessity has been invoked in several jurisdictions to legitimise arrangements that are extra-constitutional in a formal sense. The most famous instance is the validation by the Pakistani Supreme Court in the *State v Dosso* (1958) of a military coup on the basis of Kelsen's pure theory of law, specifically the proposition that a new legal order becomes valid when it is effectively in control of the territory it claims to govern. But there are also less extreme versions of the necessity doctrine that do not require accepting Kelsenian legal positivism in its most radical form: the idea that when existing constitutional mechanisms have failed or been disabled, emergency measures taken to restore constitutional governance may be legitimised by their purpose and by subsequent constitutional ratification.

The oath-taking of the Yunus-led interim government on August 8, 2024, was a constitutional act in this expanded sense. It was not the product of a coup, since the military did not itself take power. It was not the product of a constitutional amendment, since no amendment process was followed. It was, rather, the product of a political settlement among the major actors in the crisis, including the student movement leadership, the military, and surviving political forces, a settlement that the constitutional machinery of the presidency then gave formal legal cover.

The student leader Nahid Islam's announcement at the time of oath-taking that the government would pursue a constituent assembly election to draft a new constitution reflects the understanding among movement leaders that the existing constitutional framework was inadequate to the political transformation they were seeking. A constituent assembly, convened on the basis of popular democratic mandate, would be the appropriate mechanism for drafting a new constitutional settlement, one that addressed the structural deficiencies that had allowed the Hasina government to hollowed out democratic institutions over fifteen years.

This constitutional moment, and the political choices made within it, is the context in which Mahfuj Alam's rise to political significance must be understood.

CHAPTER FOUR: APPOINTMENT, POWER, AND THE STRUCTURE OF INTERIM GOVERNANCE

4.1 The Formation of the Advisory Council

The interim government formed on August 8, 2024 represented an unprecedented institutional arrangement in Bangladesh's constitutional history. Led by Nobel Peace Prize laureate Muhammad Yunus, a distinguished economist and pioneer of microfinance whose Grameen Bank had transformed the lives of millions of poor Bangladeshis, the advisory council included a mixture of technocrats, civil society figures, and student representatives.

The inclusion of student representatives in the advisory council was politically significant and institutionally novel. In no previous transition in Bangladesh's history had student movement leaders been directly incorporated into the governing structure. This inclusion reflected both the political reality of the uprising, in which student leaders had played a decisive role, and a broader political philosophy: the idea that the generation that had risked its lives to bring down the government should have a voice in the reconstruction of the state.

Nahid Islam, one of the most prominent faces of the student uprising, was appointed as adviser to the ministries of Posts, Telecommunications and Information Technology, and Information and Broadcasting. His appointment represented the movement's direct claim to a role in shaping the information and media landscape, one of the sectors most thoroughly corrupted under the Hasina government.

Asif Mahmud Shojib Bhuiyan was appointed adviser to the ministries of Local Government, Rural Development and Cooperatives, and Youth and Sports. Other student representatives were given positions within the advisory structure.

Mahfuj Alam's initial appointment, on August 28, 2024, was as Special Assistant to the Chief Adviser with the rank of Secretary. This was a carefully calibrated position: it acknowledged his importance to the movement and gave him access to the centre of power, while stopping short of the full ministerial responsibility of an adviser portfolio. The title of Special Assistant, with

secretary-level rank, placed him within the upper echelon of the bureaucratic hierarchy while maintaining a distinction from the formal advisory council.

4.2 The Theoretical Framework of Transitional Governance

Transitional governance, the management of political transitions from authoritarian or crisis situations toward more stable democratic orders, has become a distinct field of study in political science and constitutional law. The literature on transitional justice, pioneered by scholars including Ruti Teitel, whose foundational work "Transitional Justice" (2000) shaped the field, and Jon Elster, whose "Closing the Books: Transitional Justice in Historical Perspective" (2004) provided comparative analysis of transitional arrangements, offers frameworks for understanding the choices made in Bangladesh's transition.

Transitional governance presents distinctive challenges that differ from both the normal governance of stable states and the crisis management of acute political emergencies. The transitional government must simultaneously manage current affairs, including economic management, security, and the provision of public services; address the legacy of the previous regime, including accountability for human rights violations, recovery of stolen assets, and dismantling of institutional capture; and lay the groundwork for a new democratic order through electoral and constitutional reform.

These three tasks are in tension with each other. Aggressive pursuit of accountability for the previous regime's crimes can consume political and institutional bandwidth needed for other governance tasks. Economic reforms may require difficult decisions that alienate supporters. Constitutional reform is inherently contested and time-consuming. Managing all three simultaneously, with a thin institutional base and limited time, is one of the central challenges of transitional governance.

The specific challenge of including youth activists in transitional governance is one that has been faced in several other contexts. The Arab Spring transitions in Tunisia, Egypt, and elsewhere saw youth movement leaders attempt to translate street political capital into institutional political power, with mixed results. Tunisia's experience, where young activists played a significant role in the constitutional assembly process, is generally regarded as the most successful case. Egypt's experience, where the military effectively captured the transition and marginalised youth leaders, is the counter-example.

Bangladesh's 2024 transition sits between these poles. The student leaders were incorporated into the advisory structure but faced significant challenges in exercising effective institutional power, challenges that, as we shall see in examining Mahfuj Alam's tenure as Information Adviser, proved difficult to overcome.

4.3 Mahfuj Alam and the Oath as Adviser: November 10, 2024

On November 10, 2024, Mahfuj Alam was sworn in as an Adviser to the interim government, a step up from his previous position as Special Assistant. The formal taking of oath placed him

within the constitutional structure of the advisory council, with all the rights and responsibilities that entailed.

The significance of this moment deserves reflection. Here was a young man from rural Lakshmipur, educated in madrasa institutions before entering the law faculty of Dhaka University, who had become a key architect of a revolution that overthrew a fifteen-year government, and who was now being sworn in as a member of the interim government that was charged with rebuilding Bangladesh's democratic institutions. The trajectory is remarkable by any standard.

But the swearing-in also marks the beginning of the institutional phase of Alam's political career, and institutional politics have a logic that differs from movement politics. In movement politics, the key resources are solidarity, moral authority, and the capacity to mobilise collective action. In institutional politics, the key resources are bureaucratic control, political coalition-building, the ability to navigate competing interests within complex organisations, and the willingness to make and enforce difficult decisions within a framework of formal authority.

The transition from movement leader to institutional political actor is one of the central challenges of every revolution, and many revolutionary figures have found it deeply difficult. The charisma and moral authority that make a revolutionary leader effective at mobilising people against an unjust order do not automatically translate into the managerial, coalition-building, and bureaucratic skills that effective institutional governance requires.

The political theory literature on this transition is extensive. Max Weber's analysis of the "routinisation of charisma," the process by which the extraordinary authority of charismatic leaders is gradually institutionalised into bureaucratic structures, is directly relevant. Weber observed that charismatic movements face a fundamental challenge: how to preserve the transformative energy of the founding moment while building the institutional structures needed for sustained governance. The failure to achieve this transition, Weber argued, typically results in either the collapse of the movement into factional conflict or its absorption into the existing bureaucratic order with minimal change to its substance.

4.4 The Portfolio Assignment: Information and Broadcasting

When Nahid Islam resigned from the advisory council in February 2025 to lead the newly formed National Citizen Party, Mahfuj Alam was assigned responsibility for the Ministry of Information and Broadcasting. This was a significant portfolio assignment, placing him in charge of the ministry responsible for the regulation of Bangladesh's complex and politically sensitive media landscape.

The Ministry of Information and Broadcasting in Bangladesh has responsibility for a wide range of functions: the regulation of broadcast media through the licensing regime for television and radio channels; the oversight of state-owned media including Bangladesh Television (BTV) and Bangladesh Betar radio; the implementation of information policy including the government's communications and public relations functions; and the development of the legislative and regulatory framework governing the print and broadcast media.

Under the Hasina government, the Information Ministry had been one of the central instruments of media control. The distribution of television licenses had been used as a political reward system, with licenses granted to organisations and individuals with close ties to the Awami League. State advertising, distributed by the government to print and broadcast outlets, had been used as a powerful lever of political influence, with advertising withheld from critical outlets and lavished on those that supported the government. The government's broad powers under the broadcasting regulatory framework had been used to suppress coverage of opposition activities and to mandate favourable coverage of the ruling party.

Alam's assignment to the Information Ministry was therefore both an opportunity and a burden. It was an opportunity because the media sector was one of the areas most urgently in need of the structural reform that the revolution had promised. A genuinely reformed information ministry, working with an independent media sector, could contribute enormously to the democratic transition by providing citizens with accurate information about the government's actions and the political choices they faced.

But it was a burden because the structural problems of Bangladesh's media were deep and entrenched. They involved not merely bad laws and bad regulations, which could be changed, but also structural features of media ownership, journalist culture, and political economy that were much harder to reform through institutional action. The concentration of media ownership in the hands of a few conglomerates with close ties to business and political elites was a structural condition that regulation alone could not easily change. The culture of self-censorship that had developed over decades of political pressure was not something that could be abolished by ministerial decree.

4.5 The Jurisprudence of Media Freedom: International Standards and Domestic Reality

The international framework for media freedom is primarily established by Article 19 of the International Covenant on Civil and Political Rights and the associated body of interpretive guidance developed by the UN Human Rights Committee. Article 19(2) protects freedom of expression, including the freedom to seek, receive, and impart information and ideas of all kinds, through any media. Article 19(3) permits restrictions on this freedom only when they are provided by law, pursue a legitimate aim, and are necessary and proportionate.

The Human Rights Committee's General Comment 34 (2011) elaborates these standards in considerable detail. It specifies that states must refrain from monopolising media markets, that independent public broadcasting must be protected from political interference, that pluralism of media is essential to free expression, and that restrictions on the content of information must meet strict standards of necessity and proportionality. The General Comment also addresses the specific situation of public media, noting that state-owned media must be able to operate independently of government instruction and must serve the public interest rather than the interests of the governing party.

The UN Special Rapporteur on Freedom of Expression has developed further guidance on media regulation, including reports on broadcast regulation (2011), internet freedom (2012, 2015, 2018), the legal framework for journalism (2016), and the regulation of disinformation (2019).

The 2019 report on disinformation is particularly relevant to the Bangladeshi context, as it warns against the use of "false information" or "fake news" laws as instruments of political control and establishes a framework for evaluating when restrictions on disinformation are consistent with international human rights standards.

The European Court of Human Rights, interpreting the analogous freedom of expression provision in the European Convention on Human Rights (Article 10), has developed an extensive body of case law on media regulation. The court's jurisprudence on broadcasting is particularly relevant: it has held that the allocation of broadcasting licenses must be governed by objective criteria, that states must not grant broadcasting licenses in a way that creates monopolies or politically manipulates the media landscape, and that public broadcasting must be protected from political interference.

The UN Plan of Action on the Safety of Journalists, adopted by the UN Chief Executives Board in 2012, provides a framework for the protection of journalists from violence and legal harassment. It calls on states to create a safe environment for journalism by investigating and prosecuting attacks on journalists, repealing laws that criminalise legitimate journalism, and providing legal and institutional protections for freedom of expression. This framework is directly relevant to the challenges faced by Alam as Information Adviser, given the pattern of violence against journalists that continued even after the fall of the Hasina government.

The World Press Freedom Index, published annually by Reporters Without Borders (RSF), provides a quantitative measure of press freedom conditions across countries. Bangladesh's ranking of 165th out of 180 countries in 2024, and its improvement to 149th in 2025, under Alam's tenure as Information Adviser, provides a concrete measure of progress in press freedom conditions. But the absolute ranking, 149th, remains deeply concerning and well short of the standards expected of a transitional democracy claiming to have broken from its authoritarian past.

CHAPTER FIVE: THE POLITICAL PHILOSOPHY OF MAHFUJ ALAM: DEMOCRACY, REFORM, AND THE NEW SETTLEMENT

5.1 The Concept of the "New Settlement" and Its Theoretical Grounding

The phrase "new settlement" became one of the defining political concepts of the period following the July Revolution. Student leaders, including Mahfuj Alam, used it to articulate what they believed the revolution should achieve: not merely a change of government but a fundamental restructuring of Bangladesh's political order, a new compact between the state and its citizens that would replace the clientelist, authoritarian arrangements of the Hasina era with genuinely democratic institutions.

The concept of a political settlement has become central to contemporary political science and development studies. Mushtaq Khan's work on political settlements in developing economies, building on earlier work by Douglass North, John Wallis, and Barry Weingast on "limited access

orders," argues that political stability in developing countries typically rests on a settlement among powerful elite groups about how to share economic and political benefits. Transitions from authoritarian rule require renegotiating these settlements to include new groups and to establish more broadly based rules of the game.

The specific challenge in Bangladesh was that the Hasina-era settlement had been deeply personalised and partisan: political and economic benefits had been distributed through the Awami League network, and those outside the network had been systematically excluded. The new settlement that the student leaders sought would be one in which benefits and opportunities were distributed through impersonal, rule-based mechanisms rather than through partisan patronage; in which civil society, youth, and minority groups had genuine representation; and in which democratic accountability mechanisms were robust enough to prevent any future government from replicating the Hasina pattern of institutional capture.

The difficulty, which Alam acknowledged with increasing candour as his tenure in government continued, was that building such a settlement required cooperation from actors who had interests in the existing arrangements. The bureaucracy, the business community, the media conglomerates, and surviving political forces all had stakes in arrangements that the new settlement would have to disrupt. Without the leverage to compel their cooperation, reformers were dependent on voluntary compliance that was not forthcoming.

5.2 Post-Islamism, Pluralism, and the State Religion Question

One of the most intellectually significant dimensions of Mahfuj Alam's political philosophy is his position on the relationship between religion and the state. Bangladesh's constitutional position is genuinely ambiguous: the constitution declares Bangladesh a secular state in its founding principles while also designating Islam as the state religion. This ambiguity, the product of the successive constitutional amendments discussed in Chapter Two, creates a structural contradiction that any serious constitutional reform must address.

Alam's position, as articulated in multiple interviews, is that the state should be secular in the sense of not preferring any religion and not using religious identity as a criterion for citizenship or participation, but that secularism should not be deployed as a weapon against religious communities or as a justification for marginalising traditional values. He has explicitly rejected the characterisation of Bangladesh as an Islamist state, while also rejecting the characterisation of the state religion clause as necessarily implying religious discrimination.

This position draws on the post-Islamist theoretical framework developed by scholars including Asef Bayat, but it also has resonances with the approach to constitutional pluralism developed in the European context by scholars like J.H.H. Weiler, who has argued that the Christian roots of European constitutional culture can be acknowledged within a pluralist constitutional framework that does not privilege Christian citizens over others.

The specific question of whether Bangladesh should retain or remove the constitutional declaration of Islam as the state religion is one of the most politically charged constitutional reform questions in the country. Alam's cautious approach to this question, his insistence that the

state should be inclusive and non-discriminatory without necessarily removing the state religion clause, reflects a sophisticated understanding of the political constraints on constitutional reform and a genuine philosophical commitment to finding arrangements that can accommodate religious diversity without requiring any community to abandon its identity.

The jurisprudential framework most useful for thinking about this question is the theory of constitutional pluralism developed in the work of scholars including Mattias Kumm and Miguel Maduro. Constitutional pluralism holds that modern democratic states must accommodate a plurality of value commitments, including religious values, within a constitutional framework that provides equal protection to all citizens. This does not require the constitution to be religiously neutral in a strict sense: it requires that constitutional provisions not be used to discriminate against any religious community or to privilege any religious community's substantive values over others.

5.3 The Generational Claim to Power and the Problem of Democratic Legitimacy

One of the central tensions of Alam's political career as an adviser is the question of democratic legitimacy. The advisory council was not elected. It was appointed through a political process that, however reasonable given the circumstances, lacked the democratic mandate that elections provide. This meant that student representatives in the advisory council, including Alam, held governmental power on the basis of their role in the uprising rather than on the basis of electoral mandate.

The theory of democratic legitimacy is highly developed in political philosophy. The liberal tradition, from Locke through Rawls, grounds political authority in the consent of the governed, expressed through regular elections under conditions of freedom and fairness. But elections are not the only source of democratic legitimacy: deliberative democratic theory, associated with Habermas and his interlocutors, grounds legitimacy in the quality of political deliberation, including the openness and inclusivity of decision-making processes. Participatory democratic theory, associated with scholars like Carole Pateman, grounds legitimacy in broad participation of citizens in political processes beyond mere voting.

The student movement's claim to represent the popular will, a claim that Muhammad Yunus's government implicitly endorsed by including student representatives in the advisory council, rests on a theory of revolutionary legitimacy that has a long history in political philosophy. Locke's Second Treatise on Government articulated the right of revolution in situations where government had violated the terms of the social contract. Jean-Jacques Rousseau's concept of the general will, which represents not merely the aggregate of individual preferences but the common good of the political community, has been invoked to justify the claim that revolutionary movements can express popular sovereignty more authentically than corrupt or fraudulent electoral processes.

The question of whether the student movement genuinely represented the popular will, or whether it represented a particular section of the population whose preferences happened to coincide with those of the movement's leaders, is a genuine and difficult one. The mass participation in the uprising, which extended beyond students to include large sections of the

urban working class, rural communities, and the general public, suggests a broad social base. But the movement's leadership was predominantly urban, educated, and secular in orientation, and it is not obvious that this leadership's political vision was shared by all those who participated in the uprising.

Alam himself acknowledged this tension in his later comments on the failures of the transitional period. His observation that "a new order cannot be built by keeping the people of the old order in power, nor by colluding with or surrendering to the old order" reflects a recognition that the revolutionary moment had passed without being converted into a genuine structural transformation. The gap between the revolutionary aspiration and the institutional reality is one of the defining experiences of the transitional period.

5.4 Anti-Discrimination as a Constitutional Principle: Theoretical and Comparative Analysis

The name of the student movement, "Students Against Discrimination," was not merely tactical. It reflected a deep commitment to anti-discrimination as a foundational constitutional principle. Understanding this commitment requires engagement with the theoretical and comparative dimensions of anti-discrimination law.

The principle of non-discrimination is one of the most fundamental principles of modern constitutional law and international human rights law. It appears in the Universal Declaration of Human Rights (Article 2), the International Covenant on Civil and Political Rights (Articles 2 and 26), the International Covenant on Economic, Social and Cultural Rights (Article 2), and in the constitutions of virtually every democratic state. Its core meaning is that persons should be treated equally before the law and that differential treatment on the basis of certain protected characteristics, including race, ethnicity, religion, sex, and national origin, requires specific justification.

The anti-discrimination commitment in the context of the Bangladeshi quota system involves a specific application of this general principle. The students' argument was that the quota system discriminated against them by treating their applications for civil service positions less favourably than those of freedom fighters' descendants, not because of anything they had done or any disadvantage they had suffered, but simply because of the family circumstances of their birth.

This argument has resonances with the American constitutional doctrine of "suspect classification," developed in the jurisprudence of the US Supreme Court under the Equal Protection Clause of the Fourteenth Amendment. Under this doctrine, classifications based on race and national origin are "suspect" and subject to "strict scrutiny," meaning that the government must show a compelling interest and narrow tailoring to justify them. The rationale for treating these classifications as suspect is that they are immutable (persons cannot change their race or national origin), historically associated with discrimination, and unrelated to any relevant merit or contribution.

The freedom fighter quota, as applied to third-generation descendants, fits some but not all aspects of the suspect classification model. It is based on hereditary circumstances (the identity of one's grandparents) rather than personal conduct or characteristics. It is unrelated to the merit or ability of the individual applicant. But it is not based on race, ethnicity, or religion in the traditional sense; it is based on a specific historical experience of national participation.

The Indian constitutional framework, with its extensive system of reservations for Scheduled Castes, Scheduled Tribes, and Other Backward Classes, provides a comparative reference point. The Indian Supreme Court's jurisprudence on reservations has developed several principles relevant to the Bangladeshi case: the 50 percent ceiling on total reservations (Indra Sawhney case), the exclusion of the "creamy layer" from benefits, and the requirement that reservations be justified by data on social backwardness rather than political convenience.

The 2024 Bangladeshi student movement's success in compelling the Appellate Division to modify the quota system reflects both the political pressure of the uprising and the jurisprudential arguments that had been developed by critics of the quota over years. The court's July 21, 2024 order restoring merit-based recruitment with a reduced quota of 5 percent for freedom fighter descendants and 2 percent for ethnic minorities and persons with disabilities represents a compromise that acknowledges both the anti-discrimination principle and the restorative justice rationale for some form of preference.

5.5 The Political Economy of Bangladesh's Media: Structural Power and Reform Challenges

To understand the challenges that Alam faced as Information Adviser, one must understand the political economy of Bangladesh's media landscape. This landscape is characterised by several structural features that make genuine reform extraordinarily difficult.

The first structural feature is concentrated ownership. Bangladesh's major media outlets, including newspapers, television channels, and online news platforms, are predominantly owned by large business conglomerates that also have interests in other sectors of the economy, including real estate, garments manufacturing, banking, and telecommunications. This conglomerate ownership structure means that media outlets are rarely run primarily as journalistic enterprises; they are more typically run as business assets that serve the broader strategic interests of their owners.

The implications of this ownership structure for editorial independence are severe. Media proprietors who depend on government contracts, licenses, and regulatory favours for their broader business interests have strong incentives to ensure that their media outlets do not seriously challenge the government. Advertising revenue from government-owned enterprises, which in Bangladesh is very substantial, provides an additional lever of influence. The result is a media landscape in which formal editorial independence may coexist with deep structural dependence on government goodwill.

The Media Reform Commission's recommendation of a "One House One Media" policy, which would prevent any single business group from owning more than one media outlet, represents a

direct attempt to address this structural problem. The comparative international experience with such policies is mixed: cross-media ownership restrictions exist in several European countries and in Australia, and their effectiveness depends critically on the robustness of the regulatory enforcement regime. In Bangladesh's context, where regulatory institutions have historically been captured by political interests, the effectiveness of any ownership restriction would depend on the establishment of genuinely independent regulatory oversight.

The second structural feature is the advertiser-editorial relationship. In Bangladesh, as in many developing countries, the financial model of journalism has been severely distorted by the dependence of news organisations on advertising revenue from entities, including government agencies and enterprises, that have direct interests in the content of news coverage. This creates a structural conflict of interest that no editorial code can fully resolve: journalists and editors know that their publications' financial survival may depend on not alienating major advertisers, and this knowledge inevitably shapes editorial decisions, even in the absence of explicit pressure.

The third structural feature is the political economy of journalist employment. Bangladeshi journalism suffers from chronically low pay, poor working conditions, and the absence of professional job security. The poor pay of journalists creates vulnerability to corruption and to political pressure: journalists who cannot support themselves on their official salaries may be susceptible to payments from political actors for favourable coverage. The absence of employment security makes journalists vulnerable to dismissal if they displease their employers' political patrons. These conditions, which Alam acknowledged in his public statements and which the Media Reform Commission addressed in its recommendations, make genuine journalistic independence extremely difficult even where the formal conditions for press freedom exist.

CHAPTER SIX: LEGAL AND PHILOSOPHICAL FOUNDATIONS OF THE INFORMATION MINISTRY REFORM AGENDA

6.1 The Regulatory Philosophy of Media Governance

The governance of media is one of the most complex regulatory challenges facing modern states. It sits at the intersection of several competing values: freedom of expression, which argues for minimal state intervention; public interest in accurate information, which argues for some form of quality standards; market competition, which argues for structural regulation to prevent monopoly; national security and public order, which argue for some restrictions on certain categories of content; and democratic accountability, which argues for transparency in media ownership and editorial practice.

The regulatory philosophy that informs media governance in different countries reflects different weightings of these values. The Anglo-American liberal tradition, exemplified by the First Amendment absolutism of US media law and the relatively light-touch approach of British broadcast regulation, weights freedom of expression heavily and is sceptical of state intervention. The European social democratic tradition, exemplified by the public service broadcasting models

of Scandinavia and Germany, weights public interest in quality journalism more heavily and is more comfortable with structural regulation and public funding of journalism. The developing country experience reflects a more complex political economy in which formal liberal regulation often coexists with informal state control.

Bangladesh's challenge is to develop a regulatory philosophy suited to its specific political and economic context. The interim government's media reform agenda, as articulated through the Media Reform Commission's recommendations, reflects an attempt to learn from international experience while adapting to Bangladeshi realities. The commission's proposals for an independent National Press Commission, for journalist protection legislation, for ownership transparency requirements, and for public service broadcasting reform all draw on elements of the European regulatory tradition while attempting to create institutions capable of functioning independently within Bangladesh's specific political environment.

The jurisprudential question that underlies all of these proposals is one of institutional design: how can regulatory institutions be designed to be genuinely independent of political pressure in a context where political pressure on regulatory institutions has been the norm? This is a question that has no simple answer, but the comparative literature on regulatory independence, from the early work of Merrill Fabricant on independent regulatory commissions to the contemporary scholarship on delegation, agency design, and regulatory capture, offers some principles.

The most important design principle is structural independence: giving regulatory bodies fixed terms of office, secure funding, transparent appointment processes, and legal protection against removal. But structural independence is necessary but not sufficient: it must be accompanied by a culture of independence, a norm among regulators and within the broader institutional ecosystem that independent judgment rather than political deference is the expected standard. Building such a culture takes time and requires consistent reinforcement by the political leadership.

6.2 The Digital Security Framework and Its Reform

The Digital Security Act of 2018 and its successor the Cyber Security Act of 2023 represent the most egregious example of Bangladesh's history of using legislation as an instrument of political suppression. Their reform was one of the most urgent priorities of the media reform agenda, and it is one of the areas where Alam's tenure as Information Adviser, and indeed the broader interim government's media policy, has been subjected to the most intense criticism.

The DSA and CSA have been analysed extensively in the human rights legal literature. Their provisions criminalising "offensive," "false," and "defamatory" digital content fail the proportionality test of Article 19(3) of the ICCPR because they do not limit restrictions to what is strictly necessary for the protection of legitimate interests. The criminal penalties provided, including multi-year imprisonment, are grossly disproportionate to the harms they purport to prevent. And the practical application of the laws, overwhelmingly targeting government critics rather than actual threats to public order or individuals' rights, demonstrates that their stated purposes are pretextual.

The interim government's announced intention to reform or replace these laws was one of its most important commitments. The partial reform through the Cyber Security Ordinance, which addressed some but not all of the problematic provisions of the CSA, was criticised by media freedom organisations as insufficient. The Committee to Protect Journalists, Reporters Without Borders, and Article 19 all documented continuing use of the CSA against journalists and activists under the interim government, raising questions about the depth of the government's commitment to media freedom.

Alam's later comment that he was "prevented from working at the ministry during the last four months" because of his push for new media to emerge in place of old media outlets associated with the previous regime suggests that the intra-governmental conflicts over media policy were significant and sustained. The resistance to genuine media reform came not only from external political actors but from within the government itself, reflecting the complex web of interests that any reform agenda must navigate.

The theoretical framework most useful for understanding this resistance is the concept of "institutional path dependence," developed by historical institutionalists including Paul Pierson and Kathleen Thelen. Path dependence refers to the tendency of institutions to persist along their established trajectories even when alternative arrangements would be superior, because the actors who benefit from existing arrangements use their resources and influence to resist change. In the media policy context, the actors who benefited from the Hasina-era arrangements, including media conglomerates, politically connected journalists, and bureaucratic regulators comfortable with existing procedures, had strong incentives to resist the kind of structural reform that would genuinely transform the media landscape.

6.3 The Question of Television Licensing and the Corruption Allegations

One of the most significant controversies of Alam's tenure as Information Adviser was the allegation that he approved two private satellite television licenses using the same informal, politically influenced process that had characterised the Hasina government's licensing practices, and that the licenses went to individuals connected to his political associates.

This allegation is deeply significant from several perspectives. First, it suggests that the promise of systemic reform may have been compromised at the very ministry responsible for media oversight. Second, it illustrates the pervasive problem of conflict of interest in transitional governance, where reform champions may find themselves in positions where their personal relationships and political obligations conflict with their public duties. Third, it raises jurisprudential questions about the standards of procedural fairness that should govern administrative licensing decisions.

The jurisprudence of administrative licensing decisions is well-developed in comparative administrative law. The principles of procedural fairness, including the right to be heard, the right to a reasoned decision, and the requirement that decision-makers be impartial and free from conflicts of interest, apply to broadcasting licensing decisions as they do to other forms of administrative decision-making affecting rights and interests. The UN Special Rapporteur on Freedom of Expression has specifically addressed the standards that should govern the allocation

of broadcasting licenses, including requirements for transparent criteria, independent decision-making, and protection against political manipulation.

If the allegations against Alam are well-founded, they represent precisely the kind of capture of administrative processes by political interests that the media reform agenda was supposed to combat. The irony of a reform-minded Information Adviser replicating the patronage practices of the previous regime is the kind of institutional contradiction that has historically undermined transitional reformers.

It must be noted, however, that allegations of this kind in the context of a deeply contested transitional period must be evaluated with care. Political opponents have strong incentives to make allegations against reformers that may be overstated or misleading. The specific context of Bangladesh's transition, in which former regime supporters and their allies in the media have actively sought to discredit the interim government and its appointees, means that allegations should be assessed against the full evidentiary record rather than accepted at face value.

6.4 The Bureaucratic Resistance Problem

Alam's comment that "bureaucrats did not cooperate with him" and that "he couldn't assert authority over them" points to one of the most fundamental and least-discussed challenges of transitional governance: the problem of bureaucratic resistance.

In any political system, the permanent civil service inherits significant institutional power from the previous government. Civil servants who were appointed, promoted, and rewarded under the Hasina government had personal loyalties, professional networks, and institutional interests tied to the arrangements of that period. The advent of a new government that sought to reform the institutions they controlled was experienced not as liberation but as threat.

Bureaucratic resistance to political reform is a phenomenon analysed extensively in the public administration literature. Max Weber's classical analysis of the relationship between political leadership and bureaucracy, in which politicians seek to direct policy while bureaucrats apply rules according to their professional expertise, identifies the basic tension between political will and bureaucratic inertia. The contemporary "principal-agent" framework in public administration models bureaucrats as agents with their own interests who may use informational advantages and procedural discretion to thwart the intentions of their political principals.

In the Bangladesh context, the bureaucratic resistance problem was compounded by the structural position of the advisory council. The advisers were not elected politicians with the democratic mandate and political backing of a mass party behind them. They were appointed technocrats and student activists who lacked the established political networks, the administrative experience, and the bureaucratic allies that would have been needed to overcome institutional resistance. This structural weakness made them vulnerable to the kind of passive non-cooperation that does not rise to the level of insubordination but effectively paralyses reform efforts.

The theorist of bureaucracy Max Weber warned that "the bureaucratic machine goes on functioning, whoever its master is." This warning is particularly apposite in the Bangladesh context, where the bureaucratic machine had been built up over decades to serve partisan political purposes and was deeply resistant to the kind of non-partisan reform governance that the interim government sought to pursue.

6.5 The Media Reform Commission: Mandate, Recommendations, and Implementation Challenges

The Bangladesh Media Reform Commission, established on November 18, 2024, was one of several reform commissions set up by the interim government to address the structural failings of the Hasina era across different policy domains. Headed by Kamal Ahmed, a veteran journalist and media commentator, the commission submitted its report in March 2025 after a process of consultation with journalists, civil society organisations, international experts, and government officials.

The commission's recommendations covered a wide range of issues: ownership concentration and the proposed "One House One Media" policy; the replacement of the Press Council with an independent National Press Commission with genuine powers; journalist protection legislation; the reform of state-owned media including BTV and Bangladesh Betar; the reform of the advertising market to reduce dependence on politically distributed state advertising; and the legal framework governing digital media.

The commission's report was broadly welcomed by media freedom organisations, including Reporters Without Borders, Article 19, and the International Federation of Journalists. But the welcome was accompanied by concern about implementation: recommendations that sit in a report are only valuable if they are acted upon by government, and the history of reform commissions in Bangladesh, as in many developing countries, is one of reports shelved and promises unfulfilled.

The controversy over the government's draft ordinance to establish a National Media Commission, released in January 2026, illustrates exactly these concerns. The International Federation of Journalists condemned the draft ordinance for proposing a commission that would operate under direct state control rather than as the independent body that international standards require. Article 19 criticised its exclusion of freelance journalists and its failure to incorporate key recommendations of the Media Reform Commission. The process of releasing the draft for public comment with only a three-day window was itself condemned as a violation of the consultative norms that the interim government had claimed to uphold.

These developments cast a shadow over Alam's tenure as Information Adviser. The head of the Media Reform Commission, Kamal Ahmed, was explicit in his criticism: the recommendations of the commission were not implemented, and as adviser, Mahfuj Alam "should have taken initiative. But he didn't, or couldn't." This public criticism from a respected media figure appointed by the same government that Alam served is a significant indicator of the gap between the aspirations of the reform agenda and its practical achievement.

CHAPTER SEVEN: THE CONTROVERSIES AND THEIR SIGNIFICANCE

7.1 The Map Controversy of December 16, 2024

On December 16, 2024, Independence Victory Day in Bangladesh, Mahfuj Alam shared on Facebook an image that depicted northeastern parts of India, including sections of the Indian state of West Bengal, as part of Bangladesh. The post was subsequently deleted, and Alam issued a clarification stating that it was not intended to represent any territorial claim or political agenda.

The incident, seemingly minor in itself, had significant political ramifications. It coincided with a period of already tense Bangladesh-India relations, in which the Indian media and government were expressing concern about the political direction of the interim government, particularly its perceived sympathy toward political Islam. The claim by Dipanjan Roy Chaudhury, an editor of the *Economic Times of India*, that Alam was a former member of the Islamist organisation Hizb ut-Tahrir, though later refuted by Alam as based on fabricated social media posts, had already contributed to a climate of suspicion.

The theoretical significance of the map controversy extends beyond its immediate diplomatic implications. Maps are not merely geographical representations; they are political artefacts that express claims about territory, sovereignty, and national identity. The field of critical cartography, associated with scholars including J.B. Harley and Denis Wood, has argued that maps are inherently ideological documents that reflect the perspectives and interests of their makers and that can be used to legitimate or challenge territorial claims.

The sharing of a map that depicted Indian territory as Bangladeshi, even if attributable to carelessness rather than deliberate political intent, carried explosive significance in a regional context where historical territorial disputes and contemporary geopolitical competition make such images highly sensitive. Bangladesh and India share a long and complex border, parts of which were the subject of a landmark territorial settlement in 2015 following the Land Boundary Agreement of 1974. The incorporation of Indian territory in a map shared by a senior Bangladeshi government official, on a day of national celebration, was predictably interpreted by Indian observers as more than accidental.

Alam's handling of the controversy, deleting the post and issuing a clarification, was appropriate but inadequate as a response to the diplomatic damage caused. The incident illustrated one of the characteristic vulnerabilities of young, social-media-savvy activists transitioning into high governmental roles: the norms of social media communication, where content is shared quickly and can be retracted, are fundamentally incompatible with the norms of diplomatic and governmental communication, where everything shared in an official capacity carries the weight of state policy.

7.2 The Hizb ut-Tahrir Allegation: Identity, Evidence, and Political Warfare

The allegation that Alam had been a member of Hizb ut-Tahrir, an Islamist organisation that is banned in several countries including Bangladesh, represents a different category of controversy: a politically motivated attempt to discredit a reform figure by association with extremism.

Hizb ut-Tahrir is an international Islamist organisation founded in 1953 by Palestinian Islamic scholar Taqiuddin al-Nabhani. It is committed to the establishment of an Islamic caliphate but has historically pursued this goal through political and educational means rather than violence, leading to a debate among governments about whether it should be classified as a terrorist organisation. It is banned in Russia, Germany, Pakistan, and Bangladesh, among other countries, and is closely monitored by security services in Britain, the United States, and Australia.

The allegation against Alam was based, according to his response, on fabricated social media posts, a common tactic in political disinformation campaigns. In the contemporary information environment, where social media platforms can be used to create and circulate fake screenshots, edited images, and out-of-context quotations, the spread of disinformation about political figures has become a systematic political weapon.

The jurisprudential and political theory dimensions of this controversy are significant. The use of association with extremism as a political weapon to discredit reformers is a well-documented phenomenon in transitional contexts. It exploits the tendency of audiences to apply guilt by association, treating even unproven allegations as relevant evidence of character. It also exploits the genuine ambiguity of Alam's background: a young man educated in madrasa institutions, with familial connections to Islamic scholarship, who operates in a political environment where Islamist organisations have genuine presence, is an easier target for this kind of allegation than a figure with a more conventionally secular background.

The theoretical framework of stigma politics, associated with Erving Goffman's analysis of stigma as a social construct that disqualifies individuals from full social acceptance, is relevant here. Goffman's analysis, in "Stigma: Notes on the Management of Spoiled Identity" (1963), shows how stigmatised identities are socially constructed and how the possession of a stigmatising characteristic, real or imputed, can override all other aspects of a person's identity in social perception. The association with Islamist extremism functions as precisely this kind of stigma in the context of international and secular domestic discourse about Bangladesh's political direction.

7.3 The Nepotism Allegations and Conflict of Interest

The allegation that Alam used his ministerial position to benefit his political associates and his family, specifically through the placement of his elder brother Mahbub Alam in the leadership of the National Citizen Party and as a board member of the Red Crescent Society, and through the appointment of associates to other positions, represents the third major category of controversy.

Conflict of interest is one of the most pervasive and difficult to manage problems in transitional governance. The same social networks of personal loyalty and political solidarity that make activists effective at building movements also create the potential for conflicts of interest when those activists assume governmental power. The transition from "comrade" relationships, in

which reciprocal solidarity is the dominant norm, to "public servant" relationships, in which the primary obligation is to the public rather than to one's associates, requires a shift in behavioural norms that is psychologically and socially difficult.

The jurisprudence of conflict of interest in public administration is well-developed in most democratic systems. The core principle is that public officials must not allow their personal interests or their loyalties to particular individuals to influence their exercise of official functions. Specific conflict of interest provisions typically require officials to disclose interests that may conflict with their official duties, to recuse themselves from decisions in which they have a personal interest, and to avoid using their official positions to benefit persons with whom they have personal or financial relationships.

Bangladesh does not have a robust statutory conflict of interest regime applicable to ministerial and advisory council members. The absence of such a regime, and the weak culture of conflict of interest avoidance in Bangladeshi political life generally, created the conditions for the pattern of behaviour that critics identified in Alam's tenure.

The broader theoretical point, made by scholars of transitional governance including Marina Ottaway in "Democracy Challenged: The Rise of Semi-Authoritarianism" (2003), is that transitions fail not only when authoritarian elites resist change but also when reform champions fail to hold themselves to the standards they profess. The credibility of the reform project depends critically on the behaviour of reformers themselves: if those who led the uprising against corruption and patronage politics are seen to engage in the same practices, the moral authority of the reform project is fatally compromised.

7.4 The Resignation: December 2025 and Its Aftermath

On December 10, 2025, the day before the 13th National Parliamentary Election schedule was announced, Mahfuj Alam and fellow student-representative adviser Asif Mahmud resigned from the advisory council. Their resignation letters were submitted to Chief Adviser Muhammad Yunus.

The timing of the resignation, a day before the election schedule was announced, was politically significant. It suggested either that the student-representative advisers had been asked to resign to allow a cleaner transition to electoral politics, or that they chose to resign to avoid being associated with an electoral process whose arrangements did not reflect their political vision. In either case, the departure marked the end of the student movement's formal governmental role and the beginning of a new phase in which former student leaders would need to find their political identities in the emerging electoral landscape.

Alam's resigned from but expressed distance from the National Citizen Party that had been formed by former student leader Nahid Islam. His statement that the party had taken "a wrong step" and that he was no longer associated with it suggests a growing divergence within the student movement leadership about how to translate the movement's transformative moment into enduring political organisation.

This kind of divergence within revolutionary movements, the fragmentation of coalitions that were united in opposition to a common enemy but divided by different visions of what should replace it, is one of the characteristic patterns of post-revolutionary politics. Edmund Burke's observation that "a revolution is in motion and the actors have little control over where it ends" captures something important about the dynamic of revolutionary politics. The solidarity of the uprising is real but fragile, and the transition to electoral politics, with its demands for clear platforms, stable coalitions, and the management of diverse constituencies, often exposes tensions that the struggle against a common enemy had temporarily suppressed.

Alam's subsequent public commentary, particularly his January 2026 speech at the University of Dhaka's TSC Auditorium organised by the Rastrokolpo Library platform, reveals a figure grappling seriously with these questions. His diagnosis that a new order cannot be built by keeping the people of the old order in power reflects a genuine frustration with the gap between revolutionary aspiration and transitional reality. His acknowledgment that "we failed" is an unusual degree of self-criticism for a political figure so recently in power, and it suggests a capacity for honest self-assessment that is rare in political life.

CHAPTER EIGHT: COMPARATIVE PERSPECTIVES AND THEORETICAL SYNTHESIS

8.1 Comparative Cases: Youth Movements in Transitional Politics

Bangladesh's experience with student-led revolutionary movements has parallels in many other parts of the world. Comparative analysis of these cases can illuminate both the structural features of such movements and the specific challenges they face in translating street political capital into institutional change.

The most direct historical parallel in South Asia is the Indian Emergency period of 1975-1977, when Prime Minister Indira Gandhi suspended democratic institutions under a constitutional emergency declaration, suspended civil liberties, and arrested opposition leaders. The resistance to the Emergency, though organised partly by established opposition parties, also involved a significant student component. The Janata coalition that defeated Gandhi in the 1977 elections was partly energised by student and youth activism. But the post-Emergency transition in India also showed the limits of reformist coalitions: the Janata government collapsed within two years due to internal divisions, and Gandhi returned to power in 1980.

A more recent and contextually closer parallel is the Egyptian revolution of 2011, in which student and youth activists, organised through social media and centred on Cairo's Tahrir Square, achieved the resignation of President Hosni Mubarak after 30 years in power. The Egyptian revolution's subsequent failure, as the military established a new authoritarian order under President Abdel Fattah el-Sisi after a brief period of nominally democratic governance, is a sobering reference point. The structural similarities with Bangladesh are real: a long-serving authoritarian leader, a student-led uprising, military acquiescence in the leader's departure, and a subsequent transition dominated by established forces rather than the revolutionary movement.

But there are also significant differences. Bangladesh's interim government included student representatives from the beginning, whereas Egypt's Supreme Council of the Armed Forces effectively excluded youth revolutionary leaders from governance. Bangladesh's transition has a Nobel-laureate economist as its head, providing a degree of international legitimacy and technocratic capacity that the Egyptian transition lacked. And Bangladesh's specific constitutional context, including the specific grievance around the quota system that gave the movement a legally articulable starting point, is different from the more diffuse grievances of the Arab Spring.

The Tunisian transition, widely regarded as the most successful of the Arab Spring transitions, offers a more positive reference point. Tunisia's post-Ben Ali transition produced a democratic constitution in 2014 and a functioning electoral democracy, though subsequent years have seen erosion of democratic gains under President Kais Saied. The features that contributed to Tunisia's relative success, including a strong civil society tradition, a unified labour movement, a relatively educated population, and a political culture more experienced with negotiation and compromise, provide a checklist against which Bangladesh's prospects can be assessed.

The Georgian experience of the Rose Revolution of 2003, in which youth activists played a central role in challenging a fraudulent election result and bringing Mikheil Saakashvili to power, and the Ukrainian Euromaidan revolution of 2013-2014 offer additional comparative material. Both cases illustrate the critical role of street mobilisation in forcing political transition and the subsequent challenges of institutional reform when revolutionary coalitions dissolve into their constituent parts.

8.2 The Theory of Democratic Backsliding and Its Limits

The concept of democratic backsliding, the gradual erosion of democratic institutions and norms, has become central to comparative politics scholarship over the past decade. The work of Steven Levitsky and Lucan Way, of Larry Diamond and Marc Plattner, and of the V-Dem Institute's annual democracy reports has documented a global trend toward autocratisation that began around 2005 and has accelerated since 2015.

Bangladesh's experience under Sheikh Hasina is among the clearest examples of this pattern: a government that won elections under genuinely democratic conditions in 2008 but progressively used its electoral dominance to disable the institutional checks and balances that constrain government power. The key mechanisms of backsliding in Bangladesh included the capture of the judiciary through politically influenced appointments, the capture of the election commission through similar means, the use of the police and security services as partisan political instruments, and the systematic harassment of independent civil society and journalism.

The reversal of democratic backsliding through revolutionary overthrow, as opposed to electoral alternation, is a relatively rare phenomenon that raises distinctive theoretical questions. Most analyses of democratic backsliding assume a gradualist model: backsliding can be reversed by gradual institutional reform, restoration of independent institutions, and renewed commitment to democratic norms. The Bangladesh case suggests a more discontinuous model: sometimes the backsliding process goes so far that gradual reversal becomes impossible and only a systemic

disruption, whether electoral collapse, military coup, or popular uprising, can break the trajectory.

The challenge that follows such a systemic disruption is the task of institutional rebuilding. This task is enormously difficult precisely because the institutions that should facilitate the rebuilding process have themselves been captured and corrupted. Independent courts, free media, professional civil service, autonomous electoral commission: all of these are needed to manage a democratic transition, but all of them have been compromised by the backsliding process and must be rebuilt simultaneously with the management of the transition itself.

This is the context in which Alam's tenure as Information Adviser, with all its frustrations and limitations, must be understood. He was attempting to rebuild a captured media regulatory system from within an institutional structure that was itself fragile and contested, with limited resources, limited institutional support, and the accumulated weight of decades of political manipulation working against him.

8.3 Jurisprudential Theories of Legitimacy and the Interim Government

The jurisprudential questions raised by Bangladesh's interim government are among the most interesting constitutional law questions of recent years. How should we assess the legitimacy of a government that was not elected but came to power through a revolutionary rupture? What standards of constitutional validity apply to the acts of such a government? And how should the constitutional transition be managed to ensure that the eventual elected government has a firm foundation of legal continuity?

H.L.A. Hart's theory of law as a social phenomenon grounded in secondary rules, particularly the rule of recognition that identifies valid sources of law, provides one framework for analysis. From a Hartian perspective, the validity of the interim government depends on whether it is recognised as the legitimate source of law by the officials whose acceptance is required for law to function, including the courts, the civil service, and the broader population. The swift recognition of the Yunus government by the courts, the civil service, and the international community suggests that, in Hartian terms, it was accepted as the effective government, even without explicit constitutional authorisation.

Ronald Dworkin's interpretive theory of law, which grounds legal validity in the best interpretation of the principles underlying a legal system rather than in the empirical facts of official recognition, provides a different perspective. From a Dworkinian standpoint, the interim government's legitimacy depends on whether it can be understood as the best interpretation of Bangladesh's constitutional principles given the circumstances of the transition. An interpretation that understands the constitutional crisis created by the fall of the Hasina government as requiring an exceptional arrangement to preserve constitutional governance, pending the restoration of elected government, could satisfy this test.

The most challenging jurisprudential question is what constraints apply to the interim government's exercise of power. Even if its existence is accepted as constitutionally necessary, does it have the full legislative and executive powers of a democratically elected government? Or

is it constrained to caretaker functions, managing current affairs without making fundamental changes to the legal order?

This question has been extensively debated in Bangladesh, particularly in relation to the interim government's decision to issue ordinances, which are executive legislation equivalent to parliamentary legislation, in areas of major policy importance, including the proposed media ordinances. The constitutional basis for the power to issue ordinances in the absence of parliament is unclear, and the legitimacy of significant legislative changes made by an unelected government has been contested.

The comparative constitutional law literature on interim governments and caretaker administrations is relevant here. The Indian constitutional framework, which provides explicit rules for caretaker governments pending elections, is one model. The Belgian practice of "acting governments" (*gouvernements en affaires courantes*), which are constitutionally constrained in the scope of decisions they can take, is another. The South African transitional constitutional arrangements of 1993-1996, which established a comprehensive framework for the transition from apartheid to democratic government, provide perhaps the most elaborate comparative model for managed constitutional transition.

8.4 Post-Colonial Theory and the Bangladeshi State

Understanding Mahfuj Alam's political trajectory and the historical context within which it unfolds requires engagement with post-colonial theory, the body of scholarship that analyses the legacies of European colonialism in the political, economic, cultural, and institutional life of formerly colonised societies.

The Bangladeshi state inherits multiple colonial legacies. The legal system, including the structure of the courts, the hierarchy of legislation, and many of the specific laws governing civil and criminal matters, was largely established during British colonial rule and has been modified but not fundamentally transformed since independence. The bureaucratic structure, including the Bangladesh Civil Service with its hierarchical grades and its culture of formal procedure, is directly descended from the Indian Civil Service established by the British colonial administration.

The colonial inheritance is significant for understanding the quota system controversy. The British colonial administration in India used a variety of quota and reservation systems to manage relations between different religious and ethnic communities, and to incorporate members of selected communities into the colonial administrative apparatus. These practices both created some of the precedents for post-independence reservation policies and contributed to the communal politics that led to Partition in 1947.

Frantz Fanon's analysis of the post-colonial state, in "The Wretched of the Earth" (1961), is particularly relevant to understanding the dynamics of the Bangladeshi political elite. Fanon warned that post-colonial independence often involved merely a transfer of power from the European colonial class to a local bourgeoisie that reproduced the structures of colonial exploitation while deploying the rhetoric of national liberation. The Bangladeshi political elite,

both the Awami League dynasty with its liberation war mythology and the BNP with its military-nationalist mythology, can be analysed through this lens as a local class that appropriated the symbols of national liberation to serve its own interests while failing to address the structural inequalities that colonial rule had left behind.

The student movement's rejection of both major parties, its articulation of a new political identity based on anti-discrimination rather than partisan loyalty, and its appeal to a generation with no investment in the founding myths of the two-party system, can be read as a belated post-colonial political moment: the rejection of the national bourgeoisie's claim to represent the nation in favour of a more genuinely popular political identity.

Homi Bhabha's concept of the "third space" of cultural hybridity, in which colonial and post-colonial identities are negotiated rather than simply opposed, offers another dimension of analysis. Alam's own hybrid identity, formed between madrasa Islamic education and secular law faculty, between rural Lakshmipur and cosmopolitan Dhaka, between the traditional authority of his father-in-law's Islamic scholarship and the revolutionary politics of the uprising, exemplifies this kind of third-space existence. He is neither the secular liberal reformer of one narrative nor the conservative Islamist of another but something more complex and more genuinely representative of Bangladesh's diverse social fabric.

CHAPTER NINE: THE MARRIAGE, THE PERSONAL, AND THE POLITICAL

9.1 The Public Significance of Personal Biography

Political biography has long struggled with the question of where the personal ends and the political begins. Liberal political theory tends to draw a sharp distinction between the public sphere of political action and the private sphere of personal life, arguing that the latter is not a legitimate object of political scrutiny. But feminist political theory, associated with scholars including Carol Hanisch's slogan that "the personal is political," has challenged this distinction, arguing that the personal and political are inextricably linked and that understanding the personal dimensions of political figures can illuminate their political choices and commitments.

Mahfuj Alam married on October 18, 2024, during the period of his service as Special Assistant to the Chief Adviser. The identity of his wife, whose name has not been widely publicised in available accounts, and his relationship to her father, Museh Uddin Madani, a lecturer on Peace TV Bangla and a figure associated with Islamic scholarship and broadcasting, is significant for understanding the social and religious networks within which Alam operates.

Peace TV Bangla is a Bengali-language Islamic television channel associated with the Peace TV network founded by Indian Islamic scholar Zakir Naik. The channel broadcasts Islamic educational content and has a substantial viewership among the devout Muslim population of Bangladesh. Its association with traditional Islamic scholarship and, in some interpretations, with a conservative form of Islamic pedagogy, places Mahfuj Alam's family network within a specific

cultural and religious milieu that has not always been welcomed by Bangladesh's secular intelligentsia.

The decision to marry during the period of his governmental service, rather than waiting for a period of greater personal stability, reflects both personal priorities and a social reality of his background: in conservative Muslim families in Bangladesh, marriage at a relatively young age is a social norm and a marker of adult status. The timing also reflects the extraordinary circumstances of his life at this moment: a young man in his mid-twenties who was helping to govern a country of 170 million people while navigating the challenges of a revolutionary transition.

9.2 The Co-Translation Project and Intellectual Identity

Alam's involvement as a co-translator of Islamic books with the scholar Abubakar Muhammad Zakaria, waiting to be published, is a significant biographical detail that illuminates his intellectual identity in ways that complement his political and administrative roles.

Abubakar Muhammad Zakaria is a prominent Bangladeshi Islamic scholar and professor associated with the Islamic University in Kushtia, Bangladesh. He is known for his work in Islamic jurisprudence, hadith studies, and Islamic education, and is considered a prominent figure in the Ahl al-Hadith tradition of Islamic scholarship in Bangladesh. His scholarly work, which is serious and technically demanding, is not the work of a political propagandist but of a genuine religious scholar.

Alam's collaboration with Zakaria on a translation project suggests that his engagement with Islamic scholarship is substantive rather than merely performative. Translation is a deeply intellectual activity that requires not merely linguistic competence but conceptual understanding of the source material and the ability to find equivalent concepts and expressions in the target language. A co-translator who contributes substantively to the translation of Islamic scholarly texts must have a working familiarity with the conceptual vocabulary of Islamic jurisprudence and theology.

This intellectual engagement with Islamic scholarship, combined with his legal education at Dhaka University and his political engagement with the secular student movement, positions Alam as a genuinely hybrid intellectual figure: one who can navigate between the Islamic scholarly tradition and the secular liberal constitutional tradition, who understands both from the inside, and who can therefore contribute to the kind of constructive dialogue between these traditions that Bangladesh's political culture desperately needs.

CHAPTER TEN: THEORETICAL SYNTHESIS AND PROSPECTIVE ANALYSIS

10.1 The Figure of the Revolutionary Intellectual in Transitional Politics

The figure of the "revolutionary intellectual," the thinker-activist who combines intellectual capacity with political engagement and who plays a leadership role in political transformations, has a distinguished place in the history of political thought and action. Figures like Antonio Gramsci, Franz Fanon, Amílcar Cabral, and more recently figures like Vaclav Havel represent this type. Their biographies illuminate the possibilities and limits of intellectual leadership in political transformation.

Antonio Gramsci's concept of the "organic intellectual," developed in his Prison Notebooks, is particularly relevant. Gramsci distinguished between "traditional intellectuals" who claim a social detachment and universal perspective but actually serve the interests of the dominant class, and "organic intellectuals" who emerge from specific social classes and give those classes "homogeneity and an awareness of its own function not only in the economic but also in the social and political fields." The organic intellectual is not separated from practical politics but is embedded in political movements, giving them intellectual coherence and strategic direction.

Alam can be understood as an organic intellectual of Bangladesh's generation-Z student milieu: he emerged from its specific social location, he gave the movement intellectual coherence and strategic direction, and his biography is inseparable from the political experience of his generation. But his trajectory also illustrates the tensions that Gramsci identified in the figure of the organic intellectual: the tension between the intellectual's need for critical distance and the political movement's demand for commitment, the tension between the universal aspirations of the intellectual tradition and the particular interests of the social group from which the organic intellectual emerges.

10.2 The Future of Bangladeshi Democracy: Structural Conditions and Political Possibilities

As this first part of the textbook concludes, it is worth offering some prospective analysis of the structural conditions and political possibilities for Bangladesh's democratic future in light of the revolutionary transition of 2024 and the transitional period that followed.

The structural conditions for democracy in Bangladesh are genuinely mixed. On the positive side, Bangladesh has a large and relatively educated urban middle class that has demonstrated a willingness to take political risks for democratic principles, as the July Revolution showed. The country has a vibrant civil society tradition, including an active NGO sector, a history of independent journalism, and a strong tradition of intellectual and cultural production. Its economic growth has created material conditions in which many Bangladeshis have a stake in a stable, predictable political and legal environment. And the July Revolution has demonstrated that Bangladesh's political culture is not passively accepting of authoritarian rule.

On the negative side, the institutional infrastructure for democracy remains weak. The judiciary's independence has been compromised by decades of political appointment. The election commission's credibility has been damaged by its role in the fraudulent elections of 2014 and 2018. The civil service's culture of political subservience, built up over decades of partisan governance, does not transform overnight. The media landscape remains structurally vulnerable to political capture. And the political culture, including both the culture of the established parties

and the culture of civil society, continues to exhibit patrimonial and clientelist features that work against the impersonal rule-based governance that genuine democracy requires.

The National Citizen Party, formed by student uprising leaders including Nahid Islam in February 2025, represents one political vehicle for the generational political project that the July Revolution launched. But political parties that emerge from social movements face distinctive challenges: they must maintain the moral authority that comes from movement roots while developing the professional political capacity needed for electoral competition; they must preserve internal democratic culture while building the organisational discipline needed for effective political action; and they must translate movement solidarity into stable electoral coalitions.

Alam's distance from the NCP, his criticism of its "wrong step," and his aspiration to continue engaging with the politics of "state reconstruction," as articulated in his January 2026 speech, suggest that he sees a political role for himself outside the formal party structure, perhaps as an independent intellectual-political figure rather than as a party politician. Whether this role is sustainable in the electoral democracy that Bangladesh is moving toward is a question that only the political future can answer.

10.3 The Press Freedom Question as a Test of Democratic Transition

The condition of press freedom in Bangladesh serves as perhaps the most reliable indicator of the health of the democratic transition. This is true for structural reasons: press freedom both requires and enables the other components of democratic governance. It requires an independent judiciary (to protect journalists from legal harassment), a professional civil service (to implement media regulations impartially), and political leadership committed to democratic norms. And it enables democratic accountability by providing citizens with the information they need to evaluate government performance.

Bangladesh's progress on the World Press Freedom Index, from 165th in 2024 to 149th in 2025, represents genuine but limited improvement. The continued use of anti-terrorism legislation against journalists, the proposed National Media Commission ordinance condemned by international press freedom organisations, the violence against journalists documented by the IFJ, and the structural problems of concentrated media ownership and self-censorship all indicate that press freedom remains precarious.

The specific role that Mahfuj Alam played in this ambiguous picture, advancing Bangladesh's ranking by 16 places while failing to implement the Media Reform Commission's recommendations and facing allegations of licensing nepotism, is a microcosm of the broader transitional picture: real progress combined with significant failures, genuine reform impulses blocked by institutional resistance and personal failings, and aspiration persistently outrunning achievement.

10.4 Philosophical Conclusion: Power, Responsibility, and the Ethics of the Revolutionary

The philosopher Albert Camus, in "The Rebel" (1951), grappled with the fundamental tension of modern revolutionary politics: how can a political movement that begins with a legitimate rebellion against oppression avoid becoming a new form of oppression itself? Camus identified this as the central moral challenge of political action: the rebel who takes power risks becoming the tyrant he overthrew.

Mahfuj Alam's brief tenure in government represents, in miniature, this Camusian dilemma. He came to power on the moral authority of a movement that challenged oppression in the name of anti-discrimination and democratic freedom. He exercised that power in an institutional context that was resistant, corrupt, and deeply shaped by the very patterns he sought to change. He made decisions that have been criticised as reproducing the patronage and conflict-of-interest patterns of the system he was supposed to be reforming. And he resigned acknowledging that "we failed."

But failure is not the end of the political story. It is, often, the beginning of political wisdom. The recognition that good intentions are insufficient, that structural change requires structural analysis and structural means, that revolutionary movements must be sustained by institutional capacity as well as moral energy, these are lessons that the best political leaders learn from failure rather than from success.

The philosopher Edmund Burke, writing in a very different context about the French Revolution, warned against the hubris of those who believe they can reconstruct the entire social order according to abstract principles, without adequate attention to the accumulated wisdom embodied in existing institutions and practices. Burke's conservative wisdom is not an argument against change, but it is an argument for epistemic humility about the pace and scope of change that any single political actor can achieve.

The philosopher John Dewey, approaching the same question from a progressive democratic tradition, argued that democracy is not a form of government but an ongoing social experiment in which citizens learn, through experience, to manage their collective affairs more effectively. From a Deweyian perspective, the failures of the transitional period in Bangladesh are not simply failures but learning experiences, moments in which a political community discovers the limits of its institutional capacity and the distance between aspiration and reality.

Mahfuj Alam's biography, including both its remarkable achievements and its significant failures, is itself a learning moment for Bangladesh's political community. The lessons it offers, about the structural conditions of reform, the limits of individual agency in institutional contexts, the importance of coalition-building and bureaucratic management, the dangers of conflict of interest in transitional governance, and the resilience required for sustained democratic institution-building, are lessons that will shape the political judgments of the generation that comes after him.

CONCLUSION TO PART ONE: BIOGRAPHY AS POLITICAL THEORY

This first part of the textbook has traced the biography of Mahfuj Alam from his origins in rural Lakshmipur through his formation in Islamic educational institutions and at the University of Dhaka, through his central role in the July Revolution of 2024 and his subsequent service as Special Assistant and then Adviser in the interim government, to his resignation in December 2025 and his subsequent reflections on the failures of the transitional period.

Throughout this account, we have engaged with the theoretical frameworks, historical contexts, jurisprudential traditions, and comparative cases that illuminate this remarkable biography. We have drawn on Weber's sociology of authority, Gramsci's concept of the organic intellectual, Bourdieu's field theory, Skocpol and Tilly's theories of revolution, Habermas's theory of democratic legitimacy, the jurisprudence of press freedom and anti-discrimination law, post-colonial theory, and comparative analysis of transitional governance.

What emerges from this multidimensional analysis is a portrait not of a simple hero or a simple failure but of a complex political actor navigating a moment of extraordinary historical significance in a context of extraordinary institutional difficulty. Mahfuj Alam represents a generation, and his biography is in important ways the biography of his generation's political coming of age: the confrontation with an authoritarian system that denied them opportunity, the courage to challenge that system at mortal risk, the brief exercise of governmental power, the frustrations of institutional resistance and personal limitation, and the ongoing search for a political identity adequate to the challenges of a country in transition.

The story is not over. It is in some ways just beginning. The elections that were scheduled for the period following the resignations of December 2025 will bring new political actors to the centre, but the questions that Alam and his generation asked, questions about democracy, discrimination, media freedom, constitutional legitimacy, and the political rights of the young, will continue to shape Bangladesh's political agenda for years to come.

The subsequent parts of this textbook will examine these themes in greater depth: Part Two will focus on Alam's specific role in media and information policy; Part Three will examine the constitutional and legal dimensions of the transition in detail; Part Four will provide comparative analysis with similar transitions elsewhere; and Part Five will offer a prospective analysis of Bangladesh's democratic future and the lessons that its revolutionary transition offers for the broader field of comparative democratic studies.

But the foundation for all of this analysis has been laid in this first part: the story of a young man from Lakshmipur, educated between the madrasa and the law faculty, who became the intellectual architect of a revolution and then discovered, in the exercise of power, both the possibilities and the limits of what any individual political actor can achieve against the weight of institutional history.

Notes on Theoretical Sources and Further Reading

The theoretical frameworks deployed in this chapter draw on an extensive scholarly literature. For readers seeking to explore these frameworks further, the following overview of key works is offered:

On democratic backsliding and authoritarianism, the central texts include Levitsky and Ziblatt's "How Democracies Die" (2018), Anna Grzymala-Busse's work on state capture, and the V-Dem Institute's annual democracy reports. The 2024 and 2025 reports are particularly relevant to the Bangladesh case.

On transitional justice and governance, readers should consult Ruti Teitel's "Transitional Justice" (2000), Jon Elster's comparative studies, and the more recent work of Naomi Roht-Arriaza on accountability mechanisms.

On press freedom jurisprudence, the key texts are the UN Human Rights Committee's General Comment 34 (2011), the annual Freedom of the Press reports from Freedom House, and the RSF World Press Freedom Index methodology and reports.

On theories of revolution, Charles Tilly's "The Politics of Collective Violence" (2003) and Sidney Tarrow's "Power in Movement" provide accessible syntheses. For the digital dimension of contemporary movements, the work of Clay Shirky, Zeynep Tufekci's "Twitter and Tear Gas" (2017), and the 2025 empirical studies of social media's role in the Bangladesh uprising are indispensable.

On post-colonial theory and South Asian politics, readers should consult the work of Partha Chatterjee, particularly "The Nation and Its Fragments" (1993) and "A Possible India" (1997), as well as the subaltern studies collective.

On Islamic jurisprudence and its political dimensions, the work of Wael Hallaq, particularly "The Impossible State" (2013), and Asef Bayat's "Post-Islamism" (2013) offer sophisticated theoretical frameworks.

On Bangladesh's specific constitutional history, the most thorough account remains Rounaq Jahan's "Bangladesh Politics: Problems and Issues" (1980, updated edition 2000), supplemented by more recent work including Arafat Hosen Khan's "The Constitution of Bangladesh: People, Politics, and Judicial Intervention" (Routledge, 2022).

End of Part One

Part Two: Information, Power, and the Struggle for Media Freedom in Transitional Bangladesh will examine in detail the specific institutional challenges and theoretical questions raised by Alam's tenure as Information Adviser, including the jurisprudence of broadcast regulation, the political economy of media reform, the history of the Digital Security Act and its successors, and the comparative international experience with media regulation in transitional democracies.

PART TWO: INFORMATION, LAW, AND POWER: THE JURISPRUDENCE OF MEDIA GOVERNANCE IN TRANSITIONAL BANGLADESH

Preface to Part Two

Where Part One traced the biographical, historical, and philosophical foundations of Mahfuj Alam's political formation and the revolutionary context from which he emerged, Part Two enters the technical, jurisprudential, and institutional terrain of his most consequential governmental role: Adviser for Information and Broadcasting to the Interim Government of Bangladesh. This part is structured around the core tension of his tenure, namely the gap between the aspirational vision of a free, pluralist, and democratically accountable media environment and the grinding institutional, legal, economic, and political realities that constrained every step toward realising that vision.

The theoretical ambition of this part is commensurate with its subject matter. Media governance at the junction of a political transition is among the most complex regulatory challenges that any government faces. It requires simultaneous mastery of constitutional law, administrative law, broadcasting regulation, digital law, political economy, and the philosophy of freedom of expression. Alam's tenure brought all of these dimensions into sharp relief. By examining them in depth, this part aims to contribute not merely to the understanding of one individual's performance in office but to the broader scholarly literature on media freedom, regulatory theory, and transitional governance.

The chapters that follow draw on primary sources including the Media Reform Commission's March 2025 report and its 20 key recommendations, the legislative texts of the Digital Security Act of 2018, the Cyber Security Act of 2023, and the Cyber Security Ordinance Repeal of 2024, the draft Broadcasting Commission Ordinance and National Media Commission Ordinance of January 2026, international instruments including Article 19 of the ICCPR and the associated UN human rights treaty body jurisprudence, and the reporting of international media freedom organisations including Reporters Without Borders, Article 19, the International Federation of Journalists, the Committee to Protect Journalists, and Freedom House.

They also draw on the most recent theoretical literature in media law, including the emerging scholarship on "weaponised legalism" in press freedom contexts, the comparative regulatory theory of broadcast independence, and the political science literature on democratic backsliding and its reversal.

CHAPTER ELEVEN: THE ARCHITECTURE OF BANGLADESH'S INFORMATION LANDSCAPE

11.1 The Historical Construction of State Control over Information

To understand the challenge that confronted Mahfuj Alam as he assumed responsibility for the Ministry of Information and Broadcasting in February 2025, one must first understand how comprehensively and deliberately the information landscape of Bangladesh had been shaped as an instrument of political power. This shaping was not the work of a single government or a single decision but the accumulated product of decades of legislative action, administrative practice, economic manipulation, and cultural pressure, each layer reinforcing the others in a structure of information control remarkable for its comprehensiveness.

Bangladesh's relationship with state control of information has roots in the colonial period. The British colonial administration maintained comprehensive control over the press and broadcasting, using the colonial-era Press Act of 1835, the Official Secrets Act of 1923, and a series of emergency regulations to suppress criticism of the colonial government. These instruments were not swept away at independence in 1971; they were inherited by the new Bangladeshi state, which found them useful for managing its own internal political tensions.

The founding period of the Bangladeshi state was itself marked by significant ambivalence about press freedom. Sheikh Mujibur Rahman's government initially tolerated a degree of press pluralism, but as economic and political conditions deteriorated in 1974 and 1975, the government moved progressively to restrict critical journalism. The Special Powers Act of 1974, passed during a period of national emergency, gave the government broad powers to detain persons without trial, powers that were used against journalists as well as political opponents. The Fourth Amendment of 1975, which established a one-party state, brought the press under explicit state control through the requirement that all newspapers be registered under four approved organisations.

The military governments of Ziaur Rahman and Ershad maintained forms of press control, though with varying degrees of formality. Censorship during the Ershad period in the 1980s was pervasive, enforced through a combination of direct government directive and the self-censorship that developed as a rational response to unpredictable state action. The restoration of parliamentary democracy after 1990 opened some political space for press freedom but did not dismantle the underlying legal framework that gave the state extensive powers over the information environment.

The critical development of the democratic period was the emergence of a complex media landscape that combined formal political pluralism with structural economic dependence on state favour. New television channels and newspapers proliferated in the 1990s and 2000s, creating the appearance of a diverse media environment. But behind this apparent diversity lay a political economy of concentrated ownership, state advertising dependence, and political patronage that made genuine editorial independence rare.

The licensing regime for broadcast media was particularly significant. The government's power to grant and revoke television and radio licenses gave it enormous leverage over broadcast media owners, who knew that critical coverage of the government could endanger their licenses. The absence of transparent, merit-based, publicly accountable licensing procedures meant that license

allocation was effectively a political gift, creating a structural conflict of interest between editorial independence and commercial survival.

11.2 The Political Economy of Bangladesh's Media Ownership

By the time of the 2024 uprising, Bangladesh's media landscape was dominated by a relatively small number of business conglomerates that had used their political connections to acquire media licenses as part of broader strategies of business-political integration. Understanding this structure is essential to understanding both why the Hasina government's information control was so effective and why the reform agenda faced such profound resistance.

The Bashundhara Group, one of Bangladesh's largest conglomerates with interests in real estate, cement, petroleum, and consumer goods, owned the East West Media Group, which in turn controlled Kaler Kantho (one of Bangladesh's largest Bengali-language daily newspapers), the Daily Sun (an English-language newspaper), and Banglavisión (a television channel). The group's diversified business interests created inherent conflicts of interest with editorial independence: a media group whose owner's cement plants, real estate projects, and petroleum businesses depend on government contracts and regulatory approvals is not structurally capable of robust critical journalism about the government.

Beximco Group, the conglomerate of Salman Fazlur Rahman, who served as a private sector adviser in the Hasina government, owned Independent TV and the Daily Kaler Kantho. The integration of media ownership with direct political participation in the government was, in this case, explicit. Beximco's Shajgoj Media Limited provided the platform from which Independent TV operated, and the channel's coverage of political events was widely understood to reflect the interests of its owner.

The Transcom Group, associated with the industrialist Latifur Rahman, owned Prothom Alo (the largest Bengali-language daily newspaper) and The Daily Star (the leading English-language newspaper), along with a number of radio stations. Transcom's media holdings were generally regarded as among the more editorially independent of the major media groups, and Prothom Alo and The Daily Star frequently published investigative journalism and critical commentary that other outlets avoided. But even these outlets operated within the structural constraints of a media environment in which owner-government relationships shaped editorial judgment.

The state-owned media, Bangladesh Television (BTV) and Bangladesh Betar (national radio), operated explicitly as government mouthpieces. BTV's own institutional self-description acknowledged that it "represents the government," an extraordinary admission of partisan editorial orientation for an institution that receives public funding. Coverage of opposition politics was minimal or negative. Coverage of government activities was uniformly favourable. The prime minister's speeches and appearances dominated the programming schedule. BTV had become, in the words of media analysts, "state propaganda TV."

The advertising market provided an additional mechanism of control. The government of Bangladesh, through its own agencies and through state-owned enterprises, was among the largest advertisers in the country. The allocation of government advertising was not conducted

through transparent, merit-based processes but through political discretion, with advertising flowing to outlets that maintained favourable coverage of the government and being withheld from or reduced for those that did not. This created a powerful financial incentive for self-censorship: even without explicit editorial instruction, media proprietors knew that critical coverage of the government could cost them substantial advertising revenue.

The result of these interlocking structural mechanisms was a media environment in which the formal diversity of outlets coexisted with remarkable uniformity of editorial orientation on the issues that mattered most politically. Investigative journalism about government corruption was rare. Critical analysis of the prime minister's decisions was exceptional. Coverage of opposition politics was consistently negative and often involved the uncritical reproduction of government accusations. And the many journalists who wanted to practice genuine public interest journalism found themselves constrained by the institutional structures within which they worked.

11.3 The Digital Revolution and Its Contradictory Effects

The rapid expansion of internet access and social media in Bangladesh in the 2010s had profoundly contradictory effects on the information landscape. On one hand, it opened new channels of information dissemination that partially circumvented the government's control over traditional media. Facebook, YouTube, and later Twitter and TikTok became platforms through which citizen journalism, opposition commentary, and critical analysis of government actions could circulate to large audiences. It was precisely these platforms that enabled the July Revolution to build momentum and maintain communication during the government's crackdown.

On the other hand, the government responded to the internet's emancipatory potential with a systematic programme of legal and technical control that sought to domesticate the digital information environment. The suite of legislation from the ICT Act Section 57 through the Digital Security Act to the Cyber Security Act represents a decade-long effort to extend the state's control over information into the digital domain, using criminal law to deter criticism and to punish those who published content that challenged the government's narrative.

The theoretical framework of "information control regimes," developed by scholars including Gary King, Jennifer Pan, and Margaret Roberts in their influential work on Chinese internet censorship, is instructive for understanding Bangladesh's approach. King, Pan, and Roberts' research, published in major political science journals from 2013 to 2017, showed that sophisticated information control regimes do not attempt to suppress all critical content; they specifically target content that enables collective action, that allows people to coordinate political opposition, while tolerating or even permitting content that merely criticises individual officials. This selective approach allows regimes to manage the safety valve of public discontent while preventing it from becoming the engine of organised political challenge.

Bangladesh's digital information control under Hasina followed a similar logic. Content that criticised specific officials, exposed specific instances of corruption, or expressed general dissatisfaction was tolerated. Content that directly challenged the legitimacy of the government, that organised opposition, or that circulated documented evidence of state violence was targeted.

The use of the DSA and CSA against bloggers, journalists, and activists was not random; it was directed at those who produced content that could serve as focal points for collective political action.

The 2024 uprising demonstrated the limits of this selective control strategy. When the scale of the protests became large enough to create its own information momentum, when the deaths of students like Abu Sayed generated visual documentation of state violence that spread instantaneously through social networks, the regime's control over information broke down. The internet shutdown imposed by the government was an emergency measure of last resort, an admission that selective control had failed.

11.4 The Legal Framework of Information Control: A Genealogy of Repression

The genealogy of repressive information legislation in Bangladesh is one of the clearest illustrations of what human rights lawyers call "legal successor legislation": the pattern in which governments facing pressure to repeal repressive laws replace them with new laws that replicate their repressive features under new names. Understanding this genealogy is essential to understanding both the depth of the problem that Alam's reform agenda faced and the mixed record of achievement under the interim government.

The starting point in the contemporary digital era is Section 57 of the Information and Communications Technology Act of 2006. Section 57 criminalised the publication in electronic form of material that was "fake, obscene or defamatory" or that "create[d] communal discord or create[d] unrest or disorder or disturb[ed] or threaten[ed] to disturb public tranquility." The penalties were severe: imprisonment of up to ten years and fines of up to ten million taka. Crucially, the offences were non-bailable, meaning that accused persons could not obtain bail as a right but had to convince a court that bail was warranted.

Section 57 was applied widely and abusively. Cases were filed by politically connected individuals against journalists who had published critical reporting, by government officials against those who had exposed corruption, by Awami League members against opposition politicians who had made comments on Facebook. A Centre for Governance Studies analysis of cases filed under the DSA found that over 78 percent of complainants were affiliated with the Awami League, a statistic that makes the political character of the law's application unmistakable.

Following sustained domestic and international pressure for repeal of Section 57, the Hasina government enacted the Digital Security Act of 2018. This was presented as a reform: the government claimed that the new law addressed the concerns about Section 57 by limiting its scope and providing better procedural protections. The reality was precisely the opposite. The DSA effectively reproduced Section 57's substantive provisions across multiple sections and added new offences, while in some respects making the procedural protections worse rather than better. Section 42 of the DSA authorised police to search, seize, and arrest without a warrant in cases they considered urgent, a provision without any meaningful judicial oversight.

Between 2018 and 2023, when the DSA was in force, Article 19 documented 736 cases under the Act, including 135 against journalists, with over 1,300 charges and 427 arrests including 267 journalists. These are remarkable numbers, representing a systematic campaign of legal harassment against those who produced critical journalism or expressed dissenting political views. The DSA became, in the vivid phrase coined by one journalist, an instrument through which "from the most senior journalist to a small fry YouTuber, everyone is now in a state of self-censorship because no one can afford to pay the price of speaking up."

In September 2023, following renewed domestic and international criticism and the intervention of the UN High Commissioner for Human Rights Volker Turk, who specifically called on the Bangladeshi government to reform the DSA, the government passed the Cyber Security Act. The CSA was once again presented as a reform. Amnesty International's analysis of the two laws, published in a detailed August 2024 report under the title "Repackaging Repression," found that the CSA "rehashes almost all of the repressive provisions of the repealed Digital Security Act" and that it "has been weaponized to target journalists, human rights defenders and dissidents despite the former government's repeated assurances to the contrary."

The CSA retained the non-bailable character of many offences, the warrantless arrest powers, and the vague substantive provisions that made it applicable to legitimate journalism and political expression. Its modest improvements, including the bail-ability of some offences and minor adjustments to some penalties, were insufficient to address the fundamental problem: a law designed and used as an instrument of political suppression.

11.5 Jurisprudential Analysis: Lawfare and the Weaponisation of Legal Process

The concept of "lawfare," the use of law as a weapon of political warfare rather than as an instrument of justice, provides the central jurisprudential framework for understanding Bangladesh's digital information legislation and its application. The term was originally used in military contexts to describe the use of legal proceedings as a tool of strategic competition, but it has been extended in the human rights legal literature to describe the use of formally legal procedures to suppress rights, particularly freedom of expression.

The Oxford Human Rights Hub's 2025 analysis of "weaponised legalism" in transitional democracies, examining Bangladesh as its primary case study, identifies five characteristic mechanisms through which lawfare against journalists operates. The first is nominally legal authorisation: prosecutions proceed under formally enacted legislation, creating procedural legitimacy through courts and constitutional procedures even when the substantive charges violate international human rights standards. The second is substantive illegality: despite formal legal authorisation, the charges violate the international framework of ICCPR Article 19(3), which requires restrictions on freedom of expression to be necessary and proportionate for legitimate purposes. The third is selective application: the law is applied selectively against critics of the government while those who produce identical content in support of the government are not prosecuted. The fourth is process as punishment: the arrest, remand, and criminal proceedings are themselves the punishment, imposing significant costs in time, money, stress, and reputational damage regardless of the eventual outcome. The fifth is chilling effect: beyond the direct impact on those prosecuted, the existence of the law and its application creates

a generalised culture of self-censorship that suppresses a far larger volume of critical expression than any specific prosecution.

All five mechanisms were fully operational in Bangladesh's digital information control regime under the Hasina government. The lawfare was sophisticated and comprehensive. Understanding this sophistication is essential to understanding why simple reform measures, such as issuing a ministerial instruction not to use the CSA against journalists, were insufficient to address the structural problem. The self-censorship that decades of lawfare had instilled was deeply embedded in the professional culture of Bangladeshi journalism, in the financial practices of media organisations, and in the political calculations of media proprietors. It could not be dissolved by a change of government alone.

11.6 The International Legal Framework: ICCPR Article 19 and Its Interpretation

The international human rights law framework governing freedom of expression is both comprehensive and demanding. Its central instrument is Article 19 of the International Covenant on Civil and Political Rights, which Bangladesh ratified in 1998. Article 19 provides in its second paragraph that everyone shall have the right to freedom of expression, which "includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

Article 19(3) permits restrictions on freedom of expression only when three conditions are met: the restriction must be "provided by law" (the legality requirement), it must be necessary for one of an exhaustive list of legitimate purposes including protecting the rights of others, national security, public order, and public health, and it must be "necessary" in the technical sense of proportionate and the least restrictive means of achieving the legitimate purpose.

The Human Rights Committee's General Comment 34 of 2011, the authoritative interpretation of Article 19, elaborates these conditions in terms directly applicable to the Bangladeshi situation. It specifies that restrictions must not be overbroad, that criminal penalties for expression offences must be proportionate to the seriousness of the harm, that the burden of proof should rest with those seeking to impose restrictions rather than with those whose expression is restricted, and that the existence of alternative, less restrictive means of achieving regulatory objectives means that criminal law sanctions fail the necessity test.

Applied to the DSA and CSA, the General Comment's requirements are decisive. The laws' vague prohibitions on "offensive," "false," and "defamatory" content in digital form fail the legality requirement because they are insufficiently precise to allow individuals to regulate their conduct accordingly. Their severe criminal penalties, including multi-year imprisonment for speech offences, fail the proportionality requirement. And their application overwhelmingly to government critics rather than to genuine threats to legitimate interests demonstrates that they do not serve the purposes of protecting rights or maintaining public order but serve the illegitimate purpose of suppressing political opposition.

The Special Rapporteur on Freedom of Opinion and Expression has repeatedly addressed Bangladesh in its annual reports and thematic communications, calling for the repeal of the DSA

and CSA and for the establishment of a legal framework genuinely protective of freedom of expression. The Rapporteur's 2021 thematic report on disinformation, and the 2022 report on the chilling effects of legal proceedings against journalists, provide normative frameworks directly applicable to the Bangladeshi situation.

The Paris Principles on National Human Rights Institutions, adopted by the UN General Assembly in Resolution 48/134 (1993), establish standards for the independence and effectiveness of national human rights institutions. They are relevant to the design of the proposed National Press Commission and National Media Commission in that they provide the template for an independent regulatory or oversight body that operates free from government direction while remaining accountable to the public it serves. Any press commission that does not meet the Paris Principles' standards of independence, structural autonomy, pluralism, and adequate resources will fail as an instrument of media freedom protection.

CHAPTER TWELVE: MAHFUJ ALAM AS INFORMATION ADVISER: THE INSTITUTIONAL CHALLENGE

12.1 The Ministry's Mandate and Its Inherited Contradictions

The Ministry of Information and Broadcasting that Mahfuj Alam inherited when he was formally assigned its portfolio in February 2025 was an institution whose bureaucratic culture, staffing, established practices, and institutional relationships had all been shaped by fifteen years of Awami League governance. Its senior officials had been appointed under that governance, had spent their careers implementing policies of information control, and had professional relationships with the media proprietors and political actors whose cooperation was essential to the ministry's functioning.

The ministry's legal mandate covers an extraordinarily broad range of functions. These include the regulation of television and radio broadcasting through the licensing process, the oversight of state television and radio through BTV and Bangladesh Betar, the administration of the press information department and the government's public communication functions, the regulation of the print media through the registration system, the implementation of policies for the distribution of government advertising, and more recently the policy framework for digital and online media. Each of these functions had been corrupted under the Hasina government to serve partisan political purposes, and each required fundamental reform.

The structural challenge was that reforming these functions required not merely changing policies but changing the human beings responsible for implementing them, changing the institutional culture that shaped their professional judgment, changing the relationships between the ministry and the regulated industries, and changing the legislative framework that defined the ministry's powers and responsibilities. This is a multi-year programme requiring sustained political commitment, bureaucratic cooperation, legislative action, and civil society engagement. Alam was given thirteen months in the role and a bureaucratic apparatus that was, at best, sceptical of the reform agenda.

The theoretical literature on institutional reform is clear about the conditions required for success. Elinor Ostrom's work on institutional change emphasises the importance of sustained political will, clearly defined rules, effective monitoring and enforcement mechanisms, and the buy-in of those whose behaviour the new rules seek to change. Dani Rodrik's work on policy implementation emphasises the importance of "policy complementarities" - the way in which successful reform of one institutional domain requires complementary reforms in related domains, so that reforming media law without simultaneously reforming the judicial system that enforces it, or the regulatory body that applies it, produces incomplete results.

Alam faced significant deficits on all of these dimensions. Political will was constrained by intra-governmental tensions about the pace and direction of reform. Bureaucratic buy-in was limited by the institutional conservatism of officials whose careers had been built on implementing the policies he sought to change. Legislative action was constrained by the absence of parliament and the limitations on the advisory council's authority to enact far-reaching legislation by ordinance. And the systemic nature of the problem meant that reforms in the information sector were dependent on complementary reforms in the judiciary, the police, the business regulatory environment, and the broader political culture.

12.2 The National Media Opinion Survey and Its Significance

One of the first significant initiatives of the interim government's media reform agenda was the National Media Opinion Survey, conducted in the first week of January 2025 by the Bangladesh Bureau of Statistics. The survey polled over 45,000 families across all 64 districts of Bangladesh, making it the largest survey of public attitudes toward media ever conducted in the country. Its findings were both remarkable for their breadth and deeply sobering for their content.

The survey's headline finding was that nearly half of respondents, 47.22 percent, believed that journalists could not report freely. This is a stunning statistic: in a country where the government had just assured the world that press freedom had been restored after the fall of the Hasina government, nearly half of ordinary citizens believed that journalists remained constrained in their ability to report without fear. The survey findings thus provided empirical confirmation of what media freedom advocates had been arguing on the basis of specific case studies: that the culture of self-censorship built up over decades of authoritarian control does not dissolve with the departure of the authoritarian.

The survey's value extends beyond its specific findings. It represents an important institutional innovation: using the government's own statistical capacity to generate objective data about the condition of a right that the government is constitutionally obliged to protect. This kind of evidence-based policy approach to media freedom is relatively rare in the developing world context, where governments typically make policy on the basis of political considerations rather than empirical research. The decision to conduct the survey, taken before Alam formally assumed the Information portfolio but implemented during his tenure, reflects a genuine commitment to evidence-based reform that deserves credit.

From a theoretical perspective, the survey's methodology and findings contribute to an important body of empirical research on media freedom indicators. The scholarly literature on media

freedom measurement, including the frameworks developed by Freedom House, Reporters Without Borders, V-Dem, and academic researchers like Pippa Norris and others, has identified a range of indicators that capture different dimensions of media freedom: legal framework indicators, structural indicators relating to media ownership and political economy, and de facto indicators of journalistic practice and self-censorship. The BBS survey's direct measurement of public perceptions of journalist freedom provides a dimension of evidence that is not fully captured by the existing international indices.

The survey's finding of 47.22 percent expressing belief that journalists cannot report freely also illuminates an important distinction in the media freedom literature: the difference between formal or de jure press freedom, the existence of constitutional guarantees and legal protections for freedom of expression, and substantive or de facto press freedom, the actual ability of journalists to practice their profession without fear of legal, physical, or economic consequences. Bangladesh's constitution has guaranteed freedom of expression and the press since 1972. The survey's finding demonstrates that constitutional guarantees, standing alone without the institutional and cultural conditions for their realisation, produce very limited improvements in the de facto condition of press freedom.

12.3 The Media Reform Commission: Mandate, Process, and Report

The Media Reform Commission was established on November 18, 2024, an initiative of the Information Ministry under Adviser Nahid Islam before the portfolio was transferred to Alam. The eleven-member commission was headed by Kamal Ahmed, a veteran journalist with decades of experience in Bangladesh's media landscape and a distinguished record of independent reporting. The commission included journalists, media academics, legal experts, and civil society representatives.

The commission's process was notable for its consultative character, at least in its formal structure. It solicited submissions from journalists, editors, media proprietors, civil society organisations, and international bodies. Article 19 submitted its recommendations to the commission in February 2025, as did the International Federation of Journalists and other international media freedom organisations. The commission held meetings with diverse stakeholders including union representatives, rural journalists, online journalists, and independent commentators.

The commission submitted its report to Chief Adviser Muhammad Yunus on March 22, 2025, in a formal ceremony at the state guest house Jamuna. The report contained 20 key recommendations covering the full range of media governance issues. Understanding these recommendations in detail is essential to assessing Alam's performance as Information Adviser, since his primary responsibility was to implement them.

The first cluster of recommendations addressed the legal framework. The commission proposed comprehensive revision of media laws including amendment of the Digital Security Act provisions (this was superseded by the government's decision to repeal the CSA), legislation specifically protecting journalists' rights in the exercise of their professional functions, and reform of the Press Council Act. The journalist protection ordinance was among the most

urgently needed reforms: Bangladesh has no specific legal provision protecting journalists from harassment, intimidation, or arbitrary legal action in connection with their journalistic activities, leaving them dependent on the general provisions of constitutional law that have historically been inadequately enforced.

The second cluster addressed media ownership. The commission's headline recommendation in this area was the "One House One Media" policy, the requirement that any single business entity or individual could own no more than one media outlet across all platforms. This recommendation, if implemented, would fundamentally restructure Bangladesh's media landscape, dismantling the conglomerate ownership structures that had made genuine editorial independence structurally difficult. The commission supplemented this with the recommendation that large and medium-sized media outlets transition to publicly listed corporate status, making their ownership structures transparent and requiring them to publish audited financial accounts.

The theoretical justification for these ownership concentration restrictions draws on the democratic theory of the public sphere, the idea that healthy democracy requires diverse and independent voices capable of producing the information and deliberation that democratic self-governance requires. The German media scholar Jurgen Habermas, in "The Structural Transformation of the Public Sphere" (1962, English translation 1989), traced the historical development of a bourgeois public sphere of rational critical debate and identified the concentration of media ownership as a structural threat to that sphere. The analogue today is the threat that conglomerate media ownership poses to the independence of journalism: when media outlets are owned by the same business groups that own real estate companies, factories, and financial institutions, the conditions for genuine public interest journalism do not exist.

The commission's recommendation that media outlets become publicly listed companies draws on a different but related theoretical tradition: the transparency and accountability norms of corporate governance, applied to media enterprises. The Indonesian experience, cited by commission head Kamal Ahmed, where media companies are required to be publicly listed, demonstrates that this model can work in a developing country context, though its effectiveness depends on the robustness of the securities regulation and audit regime.

The third cluster of recommendations addressed public service broadcasting. The commission proposed the transformation of BTV and Bangladesh Betar from state broadcasting organisations into genuine public service broadcasters, defined by a statutory mandate to serve the public interest rather than the government's interest, governed by an independent board, funded by a combination of public licence fees and commercial revenue, and required to maintain editorial independence from government direction. The commission further proposed merging BTV, Bangladesh Betar, and the Bangladesh Sangbad Sangstha (BSS) news agency into a unified, legally autonomous National Broadcasting Corporation.

This proposal reflects the well-established international model of public service broadcasting, exemplified by the BBC in the United Kingdom, NHK in Japan, ARD and ZDF in Germany, and ABC in Australia. The legal framework for public service broadcasting independence typically includes: statutory establishment of the broadcaster's mandate, with an explicit requirement of editorial independence; appointment of the governing board through a process that insulates it

from political direction, typically requiring consultation with a parliamentary committee or similar cross-party body; guaranteed funding independent of annual government budget decisions; and explicit prohibitions on government direction of editorial content.

The State Media Monitor's detailed analysis of BTV's situation, published in July 2025, documented the extent to which BTV had departed from any recognisable public service model. Its programming was dominated by coverage of government activities, its news agenda followed government priorities, and its institutional culture was shaped by decades of political appointment of senior staff. Transforming this institution into a genuine public service broadcaster would require not merely legislative and structural changes but a profound cultural transformation, rebuilding the professional identity of hundreds of journalists and broadcasters who had internalised the norms of state propaganda.

The fourth cluster of recommendations addressed journalist employment conditions. The commission documented the systematic underpayment of journalists, the absence of formal employment contracts for many media workers, the lack of employment security, and the inadequacy of professional training. It recommended minimum salary standards aligned with Class 1 civil service salaries, requirements for formal employment contracts, improved training through the Press Institute of Bangladesh and National Institute of Mass Communication, and better occupational health and safety standards in media workplaces.

The fifth cluster addressed advertising market reform. The commission recommended that the system of government advertising allocation be made transparent and rule-based, removing the political discretion that had made it a tool of editorial pressure. It proposed a task force to reform the newspaper circulation audit system, which had been manipulated to benefit politically connected publications. And it recommended consultation with the Bangladesh Competition Commission to investigate anti-competitive practices in the advertising industry.

12.4 The Implementation Record: Between Aspiration and Achievement

The gap between the commission's recommendations and their implementation during Alam's tenure as Information Adviser is the central fact of his ministerial record. Understanding this gap requires distinguishing between different categories of recommendation, since some were more amenable to immediate implementation through executive action while others required legislation, time, and sustained institutional commitment.

The July 10, 2025 press statement from the Information Ministry, announcing that the ministry had adopted twelve major decisions in response to the commission's recommendations, provides the most comprehensive official account of early implementation. The twelve decisions covered a range of issues including formation of a journalist rights protection ordinance (to be enacted "in a short time"), reform of the newspaper circulation audit system, removal of the mandatory use of Bangladesh Satellite Company Limited for television channel uplink and downlink services, reduction of security fees for FM radio licenses, waiver of advance tax on honoraria for media contributors, and updating of training curricula at the Press Institute of Bangladesh and the National Institute of Mass Communication.

These twelve decisions represent genuine progress on some of the easier and less politically contentious recommendations. Removing the mandatory BSCL requirement for television uplinks was a technical regulatory reform that addressed a specific market distortion without requiring legislation. Reducing FM radio license security fees was a regulatory adjustment that improved the economics of independent radio. Updating training curricula was an administrative matter within the ministry's control.

But the politically most significant recommendations, the journalist protection ordinance, the media ownership reform, the BTV restructuring, and the independent National Press Commission, saw much slower and more contested progress. The journalist protection ordinance, announced as forthcoming "in a short time" in July 2025, had not been enacted by the time Alam resigned in December 2025. This particular failure was explicitly criticised by Kamal Ahmed, who noted that Alam had personally committed in September 2025 to enacting a journalist protection law but failed to deliver.

The media ownership reform, involving the "One House One Media" policy and the requirement for public listing, would have required legislation and would have directly threatened the interests of the most powerful media proprietors in Bangladesh. These proprietors were not passive observers of the reform agenda; they used their media platforms actively to shape public and political attitudes toward the reform proposals. The Bashundhara Group's coordinated attack on The Daily Star and Prothom Alo in February 2025, in which three of its newspapers published the same critical headline on the same day, illustrated both the aggressive use of media as a business weapon and the political risk faced by any reform agenda that threatened powerful proprietors.

The BTV reform moved forward in a limited way. In June 2025, a five-member committee was established, chaired by Education Adviser C.R. Abrar and overseen by Chief Adviser Muhammad Yunus, to implement the commission's recommendations for editorial and managerial autonomy for BTV and Bangladesh Betar. This committee's work was ongoing at the time of Alam's resignation, but no legislative change establishing BTV as a genuine public service broadcaster had been achieved.

The most controversial aspect of the government's media policy in the final months of Alam's tenure was the January 2026 draft ordinances establishing a National Media Commission and a Broadcasting Commission, released with only three days for public comment. These ordinances, drafted apparently without adequate consultation with the Media Reform Commission or with the broader media community, were widely condemned by international media freedom organisations as falling far short of the independence standards required by international human rights law. Article 19's February 2026 statement was explicit: the proposed National Media Commission would operate "under direct government control, heavily influenced by bureaucratic authority," in fundamental violation of the independence principles that make a media commission a protection for rather than a threat to press freedom.

The timing of the draft ordinances, at the very end of the interim government's tenure and after months of inaction on the commission's recommendations, attracted particular criticism. The suggestion was that the government was attempting to lock in institutional arrangements that

favoured state control before the incoming elected government could establish a different approach. Whether this was the intention or merely the effect of poor coordination and rushed decision-making is unclear from available evidence.

12.5 The Bureaucratic Obstacle: Institutional Resistance as a Political Problem

Alam's subsequent public comment that he was "prevented from working at the ministry during the last four months" because of his push for new media to emerge in place of the old Awami League-aligned media requires careful analysis. This comment, made in January 2026 at the TSC Auditorium discussion organised by Rastrokolpo Library, is one of the most candid statements made by any member of the interim government about the internal dynamics of the reform process.

The "prevention" Alam describes was not, apparently, a specific act of prohibition or removal. Rather, it appears to have been a form of institutional paralysis: a combination of bureaucratic non-cooperation, political opposition from within the government coalition, and the structural power of established media interests that made it impossible for him to exercise effective ministerial authority over the ministry's agenda.

The phenomenon of bureaucratic sabotage, or "bureaucratic resistance," to reform is well-documented in the public administration literature. Joel Aberbach and Bert Rockman's classic study, "Bureaucrats and Politicians in Western Democracies" (1984), established the general theoretical framework: bureaucrats pursue their own interests, including institutional continuity, career advancement, and the preservation of their professional expertise and authority, which may diverge significantly from the interests of their political masters. In a context where the political masters are advocating fundamental structural reform that threatens established institutional arrangements, the divergence of interests is particularly acute.

Richard Neustadt's seminal work "Presidential Power and the Modern Presidents" (1960) offers a different but complementary perspective: political authority is not self-executing but must be built through persuasion, coalition-building, and the effective use of institutional resources. A minister who cannot persuade bureaucrats to implement his agenda, who lacks the institutional resources to compel compliance, and who has no established political network within the bureaucracy is structurally in a weak position regardless of his formal authority.

In Alam's specific case, the bureaucratic resistance appears to have been reinforced by the structural position of the senior officials in the Information Ministry. These officials had been appointed and promoted under the Hasina government, had established professional relationships with the media proprietors and political actors whose interests were threatened by the reform agenda, and had a detailed knowledge of the ministry's regulatory powers and procedures that Alam, as a young first-time minister without previous governmental experience, lacked. The information asymmetry between the minister and his senior officials was itself a source of bureaucratic power.

The theoretical concept of "street-level bureaucracy," developed by Michael Lipsky in his influential 1980 book, is relevant to understanding how bureaucratic discretion operates in the

implementation of media regulatory policy. Lipsky showed that frontline officials in public agencies exercise significant discretion in the implementation of policy, making daily decisions that collectively determine what the policy actually means in practice. In the Information Ministry context, officials responsible for processing license applications, allocating government advertising, and implementing regulatory decisions had extensive discretion that they could use to advance or obstruct the reform agenda, without any single decision rising to the level of obvious insubordination.

Alam's frank acknowledgment of the limits of his agency in this situation, his observation that "the more courage I try to show, the more I am labelled a failure," and his challenge to those who criticised his performance, "if someone arrested on charges of lobbying can stand in the High Court and continue lobbying, that is not my responsibility," reflect a realistic and self-aware understanding of the structural constraints within which he operated. These are not the excuses of a failed official seeking to deflect responsibility; they are the observations of a political actor who encountered the full weight of entrenched institutional power and found himself unable to overcome it with the resources at his disposal.

CHAPTER THIRTEEN: THE TELEVISION LICENSING CONTROVERSY AND THE PROBLEM OF INSTITUTIONAL INTEGRITY

13.1 The Allegations and Their Context

The allegation that Mahfuj Alam approved two private satellite television licenses through a politically influenced process, granting them to individuals connected to his political associates, is one of the most serious criticisms of his tenure as Information Adviser. Understanding this allegation requires understanding both the specific facts as reported and the institutional context of television licensing in Bangladesh.

The television licensing process in Bangladesh has historically been one of the most opaque and politically sensitive aspects of media regulation. Under the Hasina government, television licenses were granted through a process that had no meaningful transparency, no published criteria, and no independent oversight. The allocation of licenses was effectively a political gift, with channel licenses going to individuals and organisations with close ties to the ruling party, who would then use the platforms partly for the political purposes of their sponsors and partly as commercial assets.

The Broadcasting Policy 2008, issued by the Hasina government in its first term, established a formal framework for television licensing but one that gave the government very broad discretion. The policy required applicants to demonstrate financial capacity, technical competence, and a programme plan, but it did not establish objective criteria for choosing between competing applications and did not require a transparent comparative assessment of competing bids. The result was a process in which the government could justify any licensing decision as consistent with the formal framework while making the actual decision on political grounds.

The specific allegations against Alam suggest that he approved licenses using a process similar to this pre-existing model of political discretion rather than the merit-based, transparent process that the reform agenda was supposed to introduce. If the allegations are accurate, this represents a significant failure of institutional integrity: the information adviser who was supposed to be reforming the licensing system was instead replicating its most problematic features.

The head of the Media Reform Commission, Kamal Ahmed, in his critique of Alam's performance published by Prothom Alo, did not specifically address the licensing allegations but noted broadly that the reform agenda had not been effectively implemented and that as adviser, Alam should have taken more initiative. The Transparency International Bangladesh executive director, Iftekharuzzaman, was more explicit in his public comments, noting allegations of corruption in the ministries overseen by the student-representative advisers and characterising their overall performance as falling short of the high expectations that had been placed on them.

13.2 Conflict of Interest Law and Its Application

The jurisprudence of conflict of interest in public administration is highly developed in comparative law and provides a framework for assessing the allegations against Alam. The core principle is that public officials must not allow their personal interests, including their relationships with family members, friends, political allies, and business associates, to influence their exercise of official functions. This principle derives from the fundamental idea of public office as a trust: officials are entrusted with powers that belong to the public, and they must exercise those powers solely in the public interest.

Different jurisdictions operationalise this principle through different legal mechanisms. Financial disclosure requirements, under which officials must disclose their financial interests and any potential conflicts, are standard in many democratic systems. Recusal requirements, under which officials must withdraw from decisions in which they have a personal interest, are a common complement to disclosure. Cooling-off periods, which prevent former officials from exploiting their government relationships in the private sector for a period after leaving office, address the revolving door problem. And specific prohibitions on nepotism, the appointment of family members or associates to official positions, are common in civil service legislation.

Bangladesh's legal framework for conflict of interest is incomplete and poorly enforced. The Government Service Rules, the Prevention of Corruption Act, and various other statutory provisions contain elements of conflict of interest regulation, but they do not constitute a comprehensive conflict of interest regime. There is no systematic financial disclosure requirement for ministers or advisers, no independent ethics oversight body with investigative powers, and limited civil society capacity to monitor and report on conflict of interest in official decision-making.

The specific allegation that Alam's elder brother Mahbub Alam was placed in the leadership of the National Citizen Party and appointed as a board member of the Red Crescent Society, with the suggestion that adviser Alam's influence was used in the latter appointment, illustrates the specific problem of "adviser's brother" appointments. This is a pattern well-documented in the literature on transitional governance: when activists who lack established bureaucratic networks

take office, they may rely on their personal networks, including family, to fill positions of influence, creating the appearance or reality of nepotism.

The theoretical framework of "cronyism" in public administration, as distinct from corruption in the narrow sense of direct financial benefit, is relevant here. Cronyism refers to the preferential treatment of friends, associates, and allies in the allocation of positions, contracts, and opportunities, a pattern that may not involve any direct financial exchange but that nevertheless represents a violation of the norms of impartial public administration. Cronyism is particularly difficult to address in transitional contexts precisely because the reform movement itself is built on networks of personal loyalty and solidarity that become problematic when the movement's members assume governmental power.

13.3 The Institutional Design Lesson: Why Conflict of Interest Regimes Matter

The licensing controversy, whatever the precise truth of the specific allegations, illustrates a fundamental lesson of institutional design: that the integrity of regulatory decisions depends not only on the personal integrity of decision-makers but on the institutional structures within which decisions are made. Well-designed conflict of interest rules serve not merely as moral injunctions but as structural protections: they make it more difficult for officials to make biased decisions by requiring them to disclose interests, by creating accountability mechanisms, and by providing third parties with the information they need to challenge problematic decisions.

The absence of such structures in the Information Ministry's licensing process meant that even if Alam's personal intentions were to make merit-based licensing decisions, the decisions he made were structurally indistinguishable from the politically motivated decisions that had characterised the previous regime. In the absence of transparent criteria, competitive assessment, public consultation, and independent review of licensing decisions, there was no mechanism through which even the most well-intentioned adviser could demonstrate that his decisions were made on merit rather than political grounds.

The reform agenda's failure to prioritise the establishment of such institutional structures, the focus on the dramatic reforms like media ownership and journalist protection rather than the unglamorous work of building institutional integrity into regulatory processes, reflects a broader pattern in transitional governance. Reformers who come to power with a strong vision of what the end state should look like often neglect the less visible but equally important work of building the institutional scaffolding that makes progressive reform sustainable over time.

CHAPTER FOURTEEN: BROADCASTING REGULATION: THEORY, COMPARATIVE LAW, AND BANGLADESH'S REFORM CHALLENGE

14.1 The Theoretical Foundations of Broadcasting Regulation

Broadcasting regulation occupies a distinctive position in the legal framework governing freedom of expression. Unlike print media, which operates in a fundamentally different

economic and technical environment, broadcasting historically has been subject to regulation justified by the scarcity of the electromagnetic spectrum. Broadcasting stations can only transmit on distinct frequencies, and the number of available frequencies is limited, creating a natural resource problem that provides a structural justification for regulatory licensing.

The scarcity rationale for broadcasting regulation was developed in the United States Supreme Court's landmark decision in *Red Lion Broadcasting Co. v FCC* (1969), which upheld the Federal Communications Commission's Fairness Doctrine requiring broadcast licensees to present balanced coverage of controversial public issues. The court reasoned that because spectrum scarcity necessitated a licensing system, those who received licenses could be required to serve the public interest in ways not applicable to print publishers.

The Red Lion rationale has been extensively criticised in subsequent constitutional scholarship. The economic and technical arguments for treating broadcasting differently from print have been progressively undermined by the development of cable television, satellite broadcasting, and the internet, each of which offers essentially unlimited channel capacity. The spectrum scarcity argument has also been complicated by the development of digital broadcasting technologies that allow multiple channels to be broadcast on a single frequency, dramatically expanding the effective spectrum capacity.

Contemporary broadcasting regulation theory has largely moved away from the scarcity rationale toward justifications grounded in market failure theory, democratic theory, and cultural policy. The market failure argument holds that unregulated broadcasting markets will produce outcomes suboptimal for democratic governance: excessive commercialisation, neglect of public affairs programming, cultural homogenisation, and inadequate provision of programming for minority communities. The democratic theory argument holds that broadcasting has a special role in forming public opinion that justifies regulatory requirements for political pluralism, balance in the coverage of controversial issues, and access for diverse political viewpoints. The cultural policy argument holds that broadcasting is a vehicle for cultural expression that requires protection from market forces to maintain cultural diversity and national identity.

Each of these justifications has different implications for regulatory design. Market failure arguments point toward structural regulation, such as ownership restrictions and public service broadcasting requirements, as remedies for market failures that would otherwise produce inferior outcomes. Democratic theory arguments point toward content regulation, such as requirements for political balance and access for diverse viewpoints. Cultural policy arguments point toward quotas for domestic content production and requirements for the representation of diverse cultural communities.

The European regulatory tradition, exemplified by the Council of Europe's Convention on Transfrontier Television and the European Broadcasting Directive, has drawn on all three of these justifications to develop a comprehensive framework for broadcasting regulation that combines structural requirements (including limits on horizontal ownership concentration), content requirements (including quotas for European content and requirements for programming diversity), and public service broadcasting mandates (including explicit requirements for editorial independence from government).

Bangladesh's emerging broadcasting regulatory framework, as reflected in the draft Broadcasting Commission Ordinance of January 2026, attempts to address some but not all of these regulatory rationales. The proposed Broadcasting Commission would take over responsibility for licensing from the ministry, which in principle addresses the structural problem of political interference in licensing decisions. But the draft's failure to guarantee the commission's independence from government direction means that the formal transfer of licensing authority would not necessarily produce substantive independence in licensing decisions.

14.2 The BBC Model and Its Applicability to Bangladesh

The BBC, formally the British Broadcasting Corporation, is the paradigmatic model for public service broadcasting, widely studied and partially replicated in many jurisdictions including Germany's ARD and ZDF, Japan's NHK, Australia's ABC, South Africa's SABC, India's Doordarshan (with qualifications), and numerous other national broadcasting organisations. Understanding what makes the BBC model work, and what the conditions of its success are, is essential to assessing whether a similar model is applicable in Bangladesh.

The BBC's institutional model rests on several pillars. The first is statutory independence: the BBC is established by Royal Charter, not by ordinary legislation, which makes it more difficult for any single government to abolish or fundamentally alter it. The charter is renewed every ten years after a public consultation process that involves Parliament and civil society, providing a regular opportunity for democratic accountability without exposing the BBC to the annual budget pressures that make ordinary government departments vulnerable to political direction.

The second pillar is funding independence: the BBC is funded primarily by a licence fee levied on households with television sets, not by direct government appropriation. This funding model, while not perfect, insulates the BBC from the political pressure that governments can exercise through budget allocation. A government that cuts a broadcaster's budget to punish it for critical coverage can point to the licence fee system as evidence that the cut is a commercial decision rather than political retaliation.

The third pillar is appointment insulation: the BBC's governing body, historically the Board of Governors and now the BBC Board, is appointed through a process designed to limit political influence, with appointments made on the basis of merit criteria and subject to parliamentary scrutiny. The BBC Director General, who is responsible for editorial decisions, is appointed by the board rather than by the government.

The fourth pillar is editorial standards: the BBC has developed over decades a culture of editorial independence reinforced by detailed editorial guidelines, a strong tradition of protecting journalists from political pressure, and a commitment to impartiality in political coverage.

None of these pillars is perfect or immune to political erosion. The British government has periodically used its power over the charter review process and over the licence fee level to exert political pressure on the BBC. The appointments process has sometimes been manipulated to place politically sympathetic individuals on the board. And the BBC's commitment to

impartiality has been criticised from both left and right as systematically biasing coverage in particular directions.

But the overall record of the BBC as an editorially independent public broadcaster, capable of producing journalism and programming that challenges governments of different political persuasions, remains impressive. Its global reputation for trustworthiness and quality provides a clear indication that the public service broadcasting model can deliver genuine independence and quality journalism when the institutional conditions are sufficiently robust.

The applicability of this model to Bangladesh is real but contingent on conditions that do not yet exist. The institutional culture of editorial independence, the professional norms of public interest journalism, the political tolerance for critical coverage of the government, and the financial stability required for sustained investment in quality programming all need to be built, and building them requires time, sustained political commitment, and a degree of good faith from both the government and the regulated industry that has not been consistently present in the Bangladeshi context.

The interim government's June 2025 establishment of a committee to oversee BTV and Bangladesh Betar's editorial and managerial autonomy represents a step in the right direction, but it falls short of the structural changes needed to establish genuine public service broadcasting. A committee overseeing autonomy is not the same as a legally independent board governing an autonomous institution: the difference is between autonomy as a gift of political discretion, revocable at will, and autonomy as a legal right, enforceable against the government.

14.3 The Digital Regulation Frontier: Online Media, Platforms, and the Challenge of Regulatory Jurisdiction

Bangladesh's media regulation framework was designed primarily for the analogue broadcasting environment of the twentieth century: separate regulatory regimes for newspapers (under the Press Council Act), television and radio (under the Broadcasting Policy), and electronic communications (under the Telecommunications Act). This framework is structurally ill-equipped to regulate the contemporary media environment, in which the boundaries between these categories have dissolved and in which global digital platforms operate largely outside any national regulatory jurisdiction.

The rise of Facebook as the dominant information platform in Bangladesh is a regulatory challenge of the first order. Facebook has more users in Bangladesh than any traditional media outlet, and it serves as the primary source of news for large sections of the population, particularly younger and more educated citizens. Its algorithmic content moderation, its advertising practices, its data collection, and its role in both the amplification of political discourse and the circulation of disinformation all have profound implications for the information environment that any media regulator must grapple with.

The international regulatory debate about the governance of digital platforms is at a particularly active phase in 2025-2026. The European Union's Digital Services Act, which came into full effect in 2023, establishes a comprehensive framework for regulating very large online

platforms, requiring them to conduct risk assessments of their potential harms to public discourse, to implement mitigation measures, and to submit to independent auditing. The United Kingdom's Online Safety Act, passed in 2023, takes a different approach, focusing on safety duties relating to specific categories of harmful content. The United States remains without comprehensive federal legislation on platform regulation, though debates about Section 230 of the Communications Decency Act, which provides broad immunity to platforms for user-generated content, have intensified.

Bangladesh's approach to platform regulation has been reactive rather than strategic. The DSA and CSA's provisions for content removal and platform blocking gave the government broad powers to require platforms to take down content and to block access to platforms, but these powers were exercised without the procedural safeguards, transparency requirements, and proportionality standards required by international human rights law. The BTRC's powers to order content blocking were exercised without judicial oversight and without public explanation, creating a regulatory regime that was opaque, arbitrary, and inconsistent with rule of law standards.

The Media Reform Commission's engagement with digital media regulation was important but limited. Its recommendations on this issue, focusing primarily on extending existing regulatory frameworks to online news portals and requiring their registration, did not engage substantively with the deeper questions of platform governance, algorithmic accountability, and the regulation of disinformation in ways consistent with freedom of expression. These are areas where Bangladesh's regulatory development is still at an early stage and where the draft Broadcasting and Media Commission ordinances of January 2026 also showed significant gaps.

14.4 The Proposed Broadcasting Commission: Analysis and Critique

The draft Broadcasting Commission Ordinance released in January 2026 proposes to establish a Broadcasting Commission with responsibility for the licensing and regulation of television and radio broadcasting, including online broadcasting. The draft was released with only three days for public comment, a process widely condemned as inadequate for legislation of this significance. Article 19's February 2026 statement characterised it as a rushed initiative that "lacks transparency and due process and risks undermining freedom of expression in Bangladesh."

The substantive concerns about the draft relate primarily to the independence of the proposed commission. The commission's members would be appointed by the government, without any statutory requirement for consultation with parliament, civil society, or professional bodies. The commission would be financially dependent on the government's budget allocation. And the commission would be subject to broad government direction on matters of policy, with no explicit prohibition on government interference in specific regulatory decisions.

These features replicate, in a different institutional form, the political control of broadcasting that has characterised Bangladesh's media regulation for decades. The transfer of formal licensing authority from the ministry to a commission changes the institutional locus of regulatory

decision-making but does not change the underlying political economy of decisions if the commission is itself subject to political direction.

The international standard for broadcasting regulatory independence is well-established. The Council of Europe's Recommendation CM/Rec(2022)5 on principles for broadcasting regulation specifies that broadcast regulators should be independent from both the government and from commercial and other interests, with specific requirements for appointment processes that insulate them from political direction, guaranteed funding, and explicit prohibitions on government instruction about specific regulatory decisions.

The UN Special Rapporteur on Freedom of Expression's 2011 report on broadcasting regulation, authored by Special Rapporteur Frank La Rue, provides detailed guidance on the regulatory independence standard, including the observation that "the regulatory body must be empowered to take decisions independently and must be shielded from any instruction of any kind from government officials, corporations or political parties."

Measured against these international standards, the draft Broadcasting Commission Ordinance falls significantly short. Its defenders would argue that perfect independence is impossible in any context and that some form of accountability to the democratic government is appropriate even for an independent regulator. But this argument conflates the legitimate form of accountability, accountability to parliament and to the public through transparent processes and published decisions, with the illegitimate form of accountability, accountability to the governing party through political appointment and budget dependency.

14.5 Comparative Broadcasting Regulation: Lessons from India, South Africa, and the European Union

Comparative analysis of broadcasting regulation in other jurisdictions offers both positive models and cautionary tales for Bangladesh's regulatory development.

India's Prasar Bharati, the public broadcasting corporation established by the Prasar Bharati Act of 1990 and operational since 1997, provides the closest geographically and culturally relevant comparator. Prasar Bharati was intended to provide editorial and financial independence to Doordarshan (national television) and All India Radio, which had previously operated under direct government control. The act established a Prasar Bharati Board, including members appointed from the professions of journalism, education, and entertainment, with the intention of insulating the corporation from political direction.

The experience of Prasar Bharati provides sobering evidence of the limitations of formal institutional independence in the Indian political context. Despite its statutory mandate for independence, Prasar Bharati has remained largely dependent on government funding, largely controlled by government-appointed officials, and largely aligned with government narratives on politically sensitive issues. The gap between the formal independence guaranteed by the Act and the actual independence exercised in practice illustrates the importance of the cultural and political conditions within which formal institutional structures operate.

South Africa's Independent Communications Authority of South Africa (ICASA) and the South African Broadcasting Corporation (SABC) provide a more positive reference point, though one that also illustrates the difficulties of maintaining institutional independence in a politicised environment. The SABC was established by the Broadcasting Act of 1999 as an independent public service broadcaster with a mandate to serve the South African public rather than the ruling African National Congress. It operates under a public mandate articulated in legislation and overseen by the SABC Board, which is appointed by the President on the recommendation of the National Assembly, a process that provides some degree of parliamentary accountability in the appointment process.

The SABC's experience has been chequered: it has undergone multiple governance crises, been subject to allegations of political interference in editorial decisions, and faced serious financial difficulties. But it has also, at various times, produced genuinely independent journalism that has challenged the ruling party and held government to account. The SABC's experience illustrates that independence is not a binary state but a spectrum, and that institutions can maintain meaningful independence even in politically contested environments, provided that the institutional structures are sufficiently robust and the professional culture of editorial independence sufficiently strong.

The European Union's Audiovisual Media Services Directive, in its 2018 revision, establishes a framework for media regulation that includes specific requirements for the independence of national regulatory authorities. Article 30 of the directive requires that national regulatory authorities be legally distinct from and functionally independent of the government and of broadcasting undertakings, that they exercise their powers impartially and transparently, that their staff and management not seek or receive instructions from any government or other body in the exercise of regulatory functions, and that the reasons for any dismissal of a member of the regulatory authority's management be required to be stated in advance.

The European Broadcasting Union, of which public broadcasters from over 70 countries are members, has developed a detailed framework for assessing broadcasting independence, the Beirut Criteria, which establishes benchmarks against which public broadcasters can be evaluated. These criteria cover editorial independence, institutional governance, funding, accountability, and the legal framework for independence. They provide a useful assessment tool that could be applied to both the draft Broadcasting Commission and the reform of BTV.

CHAPTER FIFTEEN: THE DIGITAL SECURITY LEGISLATION CYCLE AND ITS RESOLUTION

15.1 The Cyber Security Ordinance Repeal: Progress and Its Limits

The Advisory Council's November 7, 2024 decision to repeal the Cyber Security Act and replace it with a new Cyber Protection Ordinance was among the most significant early actions of the interim government in the information freedom domain. It fulfilled one of the most explicit

commitments made during and immediately after the uprising and addressed the most egregious instrument of information control in the legal arsenal.

The repeal was not unconditional. The government's initial draft Cyber Security Act (Repeal) Ordinance maintained a "savings clause" that allowed existing cases filed under the CSA to continue, meaning that journalists and activists who had been prosecuted under the Act remained subject to those proceedings even after the repeal. This limitation attracted immediate criticism from human rights organisations, which pointed out that the savings clause preserved much of the chilling effect of the Act by maintaining the threat of prosecution against those already charged.

The subsequent Cyber Security Ordinance 2025, gazetted on May 21, 2025, represented a more comprehensive approach. It removed nine controversial sections of the Cyber Security Act, including sections criminalising criticism of the Liberation War, the use of "fake or deceptive identity," the publication of "offensive, false, or fear-inducing information," the unauthorised collection of personal data, publication of information harming reputation, publication of information hurting religious sentiments, and spreading of information degrading national identity.

Crucially, the ordinance mandated that all ongoing or pending investigations, trials, or proceedings under the removed sections be dismissed, and declared that any sentences or fines already imposed under those sections were nullified. This represented a dramatic and comprehensive reversal of the Hasina government's legislative assault on freedom of expression: the cancellation of approximately 95 percent of ongoing cases as a result of the removal of the provisions under which they had been filed.

This is a genuinely remarkable achievement of the interim government's legislative programme and one that should be counted to Alam's credit, even though it predated his formal responsibility for the Information Ministry. The Cyber Security Ordinance 2025 removed more restrictive digital speech legislation more comprehensively than most comparable transitions have achieved. Countries that have transitioned from authoritarian information control regimes typically do so much more gradually and incompletely, with legacy prosecutions continuing for years or decades after the formal change of government.

However, the human rights legal analysis of the remaining provisions of the Cyber Security Ordinance 2025 identifies continuing concerns. The ordinance retains provisions criminalising the spread of "religious hatred" and "hurting religious sentiment," albeit with the government's assurance that the definitions have been tightened to prevent misuse. Section 35 continues to permit warrantless searches and seizures, with only the procedural safeguard of a post-search report to a tribunal and no defined timeline for this report. And Section 46 retains non-bailable provisions for several offences, maintaining the pre-trial detention risk for those accused.

Front Line Defenders' January 2025 analysis of the draft cyber protection ordinance, before the final version was gazetted, identified these concerns comprehensively and recommended amendments that would have more fully aligned the ordinance with international human rights standards. The concerns about warrantless search powers, non-bailable provisions, and religious

speech restrictions were not fully addressed in the final version of the ordinance, suggesting that the government's commitment to complete alignment with international standards was constrained by other considerations, possibly including the political cost of eliminating provisions with genuine popular support, such as the protection against religious hatred.

15.2 The Personal Data Protection Ordinance and Information Rights

The Personal Data Protection Ordinance 2025, approved on October 9, 2025 and gazetted on November 6, 2025, addresses a different dimension of information rights: the right of individuals to privacy in the handling of their personal data. The removal of Section 26 of the Cyber Security Act, which had provided some (albeit inadequate) data privacy protection, created a gap that the Personal Data Protection Ordinance was designed to fill.

The theoretical framework for data protection as a fundamental right has developed rapidly in the past two decades, building on earlier privacy law traditions but adding specifically digital dimensions. The General Data Protection Regulation of the European Union, which came into effect in 2018, represents the most comprehensive and influential model of data protection regulation, establishing rights to access, rectification, erasure, and portability of personal data, imposing significant obligations on data controllers and processors, and providing for substantial fines for non-compliance.

Bangladesh's Personal Data Protection Ordinance draws on the GDPR model but adapts it to the Bangladeshi context. Its provisions for individual rights to access and correct personal data, its requirements for data controllers to obtain consent before processing personal data, and its provisions for data breach notification represent significant advances on the previous regime. But human rights organisations including Article 19 and the Committee to Protect Journalists have raised concerns about provisions that could give the government "unchecked powers" to access personal data, particularly in the context of security operations.

The relevance of data protection law to media freedom is direct and significant. Journalists' sources, their communications with sources, and their research materials are all forms of personal data that require protection from government surveillance and from enforcement actions that use access to personal data as a tool of political pressure. The Bangladesh Financial Intelligence Unit's investigation of at least 85 journalists' financial information since the uprising, documented by the IFJ, illustrates how data access powers can be used as instruments of intimidation against journalists even in the absence of specific criminal charges.

A robust personal data protection regime, with effective independent oversight and strong source protection provisions specific to journalism, would be an important complement to the other elements of the media reform agenda. The ordinance's provisions in this area appear to be incomplete, and the amendment process that would be required to strengthen them was one of the many reform tasks that remained unfinished at the end of Alam's tenure.

15.3 The Internet Shutdown Framework: A Continuing Gap

One of the most significant gaps in Bangladesh's information law reform is the continued absence of an adequate legal framework governing internet shutdowns. The Hasina government's use of a comprehensive internet blackout during the July 2024 uprising, which lasted approximately eleven days and effectively isolated Bangladesh from the global information network during the most critical period of the uprising, was one of the most serious violations of freedom of expression in the country's history.

The legal basis for the shutdown was Section 19 of the Bangladesh Telecommunication Regulation Act 2001, which gives the government broad powers to suspend telecommunication services in the national interest. This provision lacks any procedural requirements, any time limits, any public notification requirements, or any requirement for parliamentary or judicial authorisation. It is, in the characterisation of Freedom House, one of the most permissive internet shutdown authorisation frameworks in the world.

The Media Reform Commission's recommendations addressed the internet shutdown framework in terms of requiring greater procedural safeguards and independent oversight. Article 19's submission to the commission specifically recommended reform of the Telecommunications Act to align it with international human rights standards, including the requirement that any shutdown be authorised by a court, limited to the minimum duration necessary to achieve a legitimate purpose, and proportionate to the harm it seeks to address.

None of these reforms had been enacted by the time of Alam's resignation. The Telecommunications Act remained in its pre-reform state, with the broad executive power to impose internet shutdowns intact. The failure to address this particular gap is significant given the central role that the internet shutdown played in the Hasina government's repression of the July uprising: the same legal mechanism that was used against the revolution remained available to any future government facing a similar political challenge.

CHAPTER SIXTEEN: THE PHILOSOPHY OF INFORMATION AND DEMOCRACY

16.1 John Stuart Mill, the Marketplace of Ideas, and Bangladesh's Information Crisis

The philosophical foundations of press freedom are among the most thoroughly debated questions in liberal political philosophy. John Stuart Mill's defence of freedom of expression in "On Liberty" (1859) remains the most influential statement of the liberal case. Mill's argument operates on two levels: a claim about the social value of free expression and a claim about the relationship between expression and individual autonomy.

The social value argument, captured in Mill's metaphor of the "marketplace of ideas," holds that the competition among different ideas and viewpoints is the most reliable mechanism for the discovery and dissemination of truth. Restrictions on expression prevent the correction of error through open debate, remove the testing mechanism through which ideas demonstrate their validity, and deprive society of the improvements that come from the challenge of dissent. Even

false ideas have value, Mill argues, because they force defenders of truth to understand and articulate the grounds for their beliefs rather than treating them as received dogma.

The autonomy argument holds that freedom of expression is essential to individual self-development and to the realisation of each person's capacity for rational self-direction. A person who is prevented from expressing their views is prevented from developing and refining their understanding through the process of communication and debate. A government that controls the information its citizens receive denies them the conditions for genuine autonomous judgment.

Both arguments are directly relevant to Bangladesh's situation. The Hasina government's control of the information environment was not merely a violation of the formal right to freedom of expression; it was a systematic assault on the capacity of Bangladeshi citizens to form accurate beliefs about their political situation, to engage in rational deliberation about their collective choices, and to exercise meaningful democratic agency. The students who took to the streets in 2024 were, in significant part, responding to an information environment that had systematically denied them access to accurate information about corruption, electoral fraud, and political violence.

Mahfuj Alam's role in the reform of this information environment can be understood, through the Millian lens, as an attempt to restore the conditions for the marketplace of ideas: to create a legal and institutional framework in which competing information and viewpoints could circulate freely, in which truth could be distinguished from propaganda through open debate, and in which citizens could exercise genuine autonomous political judgment. The incomplete character of this restoration, which his tenure achieved, is a measure of the distance between the ideal and the reality.

16.2 Amartya Sen's Capabilities Approach and the Right to Information

Amartya Sen's capabilities approach, developed in collaboration with Martha Nussbaum across multiple works including "Development as Freedom" (1999) and "The Idea of Justice" (2009), provides an alternative philosophical framework for understanding the importance of free expression and access to information. Sen argues that the central goal of development is the expansion of human capabilities, the real freedoms that people have to live lives they have reason to value. Freedom of expression, access to information, and the ability to participate in political discourse are not merely instruments of development but constitutive elements of human flourishing.

Sen's specific argument about the relationship between free press and public welfare is particularly relevant to Bangladesh. In "Poverty and Famines" (1981) and subsequent works, Sen famously argued that famines do not occur in functioning democracies with free presses because a free press exposes information about food shortages that compels governments to respond. More broadly, Sen argues that a free press provides information about government failures that democratic accountability requires, and that the absence of press freedom is itself a form of capability deprivation that impoverishes the democratic life of all citizens.

The Bengali intellectual tradition has its own distinctive contribution to the philosophy of information and expression. Rabindranath Tagore's conception of freedom as the condition of human creative development, expressed across his vast literary, philosophical, and artistic output, resonates deeply with Sen's capabilities approach. The tradition of the adda, the informal intellectual gathering that Alam himself cultivated through his Gurobar Adda study circle, is itself an institutional embodiment of the idea that free intellectual exchange is a fundamental human good.

The capabilities framework suggests an important criterion for evaluating media reform: not merely whether specific legal restrictions have been removed, but whether the positive capabilities for information access, expression, and participation have been expanded. This is a more demanding standard than the formal liberty standard of simply removing prohibitions. It asks not only whether journalists are free from state harassment but whether they have the positive resources, training, employment security, and institutional support needed to practice genuine public interest journalism. And it asks not only whether citizens have the formal right to information but whether the information environment actually provides them with the accurate, diverse, and relevant information they need to exercise democratic agency.

By this more demanding standard, the reforms of Alam's tenure, while positive, remain far from sufficient. The National Media Opinion Survey's finding that nearly half of citizens believe journalists cannot report freely, the continuing pattern of violence against journalists documented by the IFJ, the structural problems of concentrated media ownership, and the culture of self-censorship developed over decades all indicate that the positive capabilities for information and expression remain severely constrained in Bangladesh even after the July Revolution.

16.3 Habermas's Public Sphere Theory and the Media Reform Challenge

Jurgen Habermas's theory of the public sphere, developed across multiple works from "The Structural Transformation of the Public Sphere" (1962) through "Between Facts and Norms" (1996), provides one of the most comprehensive theoretical frameworks for understanding the relationship between media, public discourse, and democratic governance.

Habermas's concept of the public sphere refers to the domain of social life where public opinion is formed: the space between the state and the private sphere of family and economic life where citizens come together as a public to discuss matters of common concern. In the ideal public sphere, this discussion is characterised by communicative rationality: participants engage on the basis of the force of the better argument rather than on the basis of power, money, or social position.

Habermas's historical analysis identified the emergence of a bourgeois public sphere in seventeenth and eighteenth century Europe, associated with the development of coffee houses, literary societies, and periodical press, as a genuine historical achievement. But his more contemporary analysis traced the "structural transformation" of this public sphere: its colonisation by commercial media that prioritise entertainment over rational debate, its manipulation by public relations and political marketing, and its fragmentation into specialised audiences with no common informational framework.

The Bangladeshi media landscape illustrates both the ideal and the pathology of the public sphere. At its best, Bangladeshi journalism has contributed to genuine public deliberation: investigative journalism about corruption, reporting on social problems, coverage of political debates, and cultural commentary have all contributed to the formation of public opinion on matters of common concern. The tradition of Bengali intellectual life, with its rich literary, philosophical, and political journalism, represents a genuine public sphere tradition.

But the pathologies that Habermas identified, commercial concentration, political manipulation, and the colonisation of public discourse by power and money, have been fully present in Bangladesh. The Hasina government's manipulation of the media environment, the conglomerate ownership of major outlets, the culture of self-censorship, and the fragmentation of the information environment between the state-aligned traditional media and the critical but sometimes unverified social media sphere all represent departures from the conditions of a healthy public sphere.

The media reform agenda, including the institutional reforms to licensing and regulation, the strengthening of journalist protection, the reform of public broadcasting, and the restriction of ownership concentration, can be understood through the Habermasian lens as an attempt to restore the conditions for a genuine democratic public sphere. The failure to fully implement this agenda is thus not merely a regulatory failure but a democratic failure: it leaves Bangladesh without the informational conditions required for genuine democratic self-governance.

16.4 The Theory of Information Justice

The concept of "information justice," developed in the emerging field of information philosophy and building on broader theories of social justice, provides a useful complement to the more established theories of press freedom and public sphere democracy. Information justice theory asks not merely whether information is free from government restriction but whether it is distributed equitably, whether all members of society have access to the information they need to participate in democratic life, and whether the information environment serves the interests of the most marginalised as well as the most privileged.

In the Bangladeshi context, information justice considerations are particularly pressing. The rural poor, women, ethnic and religious minorities, and other marginalised groups have historically had limited access to media that represents their experiences and interests. The mainstream media's focus on urban, middle-class, and politically connected audiences has left large sections of the population with limited informational representation. The Hasina government's deliberate marginalisation of minority communities from the national cultural framework, described by Alam himself in his BTV Notun Kuri speech, is one dimension of this information injustice.

Alam's statement that "Bangladesh is a land of many cultures, many traditions, and many languages" and his commitment that "from now on, we want everyone, regardless of caste, religion, or ethnicity, to have a place in our cultural structure" articulates an information justice vision that goes beyond the formal press freedom agenda. It is a vision of a media landscape that represents the full diversity of Bangladesh's population, that gives voice to communities whose

experiences have been systematically excluded from national media narratives, and that treats cultural diversity as a resource rather than a problem.

The practical implementation of this vision would require positive regulatory interventions: requirements for diverse representation in broadcasting, support for community media serving minority linguistic and cultural groups, public service broadcasting mandates that specifically include marginalised communities, and regulatory requirements for diversity in media employment at all levels. These positive measures go beyond the negative freedom of removing restrictions on expression and into the territory of what political theorists call "positive liberty," the provision of the actual means and opportunities for effective expression.

CHAPTER SEVENTEEN: THE POLITICAL ECONOMY OF REFORM FAILURE

17.1 Why Media Reform is Structurally Difficult: A Political Economy Framework

Understanding why the media reform agenda succeeded only partially during Alam's tenure requires engagement with the political economy of media regulation. The political economy approach, which analyses regulatory outcomes as the product of competing interests among organised groups rather than the implementation of welfare-maximising public policy, provides a more realistic framework for understanding reform failure than the simple hypothesis that the reformers lacked skill or will.

The interest group framework of regulation, developed by George Stigler in his foundational 1971 article on the economic theory of regulation and extended by Sam Peltzman, Gary Becker, and others, holds that regulatory agencies tend over time to be "captured" by the industries they regulate. Regulatory capture occurs because the regulated industry has intense, concentrated interests in regulatory outcomes and can organise to pursue those interests effectively, while the general public has diffuse, low-intensity interests and faces collective action problems that make effective political organisation difficult.

In the media regulation context, capture is particularly significant because media proprietors can use their platforms to shape public opinion about regulatory proposals, making it easier to mobilise popular opposition to regulations that threaten their interests. The coordinated attack by Bashundhara Group's newspapers on The Daily Star and Prothom Alo in February 2025, in response to coverage critical of Bashundhara's business interests, illustrates exactly this dynamic: a media proprietor using his media assets as weapons in a regulatory battle.

The media reform agenda threatened the interests of three distinct sets of powerful actors, each of whom had both the motivation and some of the capacity to resist it. First, the existing media proprietors, whose business models depended on the political patronage relationships and concentrated ownership structures that reform would dismantle. Second, the bureaucratic officials of the Information Ministry and related agencies, whose professional positions and institutional authority were maintained by the existing regulatory framework. Third, the political

actors, both within the interim government and in the broader political landscape, who had stakes in particular media outlets or in media regulatory arrangements that served their interests.

The coalition among these three sets of actors was not formal but structural: they had complementary interests in slowing or blocking media reform, and they had the institutional resources to act on those interests through bureaucratic delay, political lobbying, legal challenge, and media criticism. Alam, as a young adviser with limited bureaucratic experience, limited political networks, and limited institutional resources, was structurally disadvantaged in this contest.

The political economy literature on reform success identifies several conditions that allow reformers to overcome the resistance of established interests. These include: a reform champion with strong political backing at the highest level of government; an external trigger, such as a financial crisis or an international pressure, that creates political space for reform; a reform package that distributes the costs and benefits of reform broadly enough to build a winning political coalition; and an effective communication strategy that makes the case for reform to the general public and builds popular political support.

Alam's reform effort was weak on several of these dimensions. Political backing from the highest level of government, the Chief Adviser Muhammad Yunus, was available in principle but was divided among multiple reform commissions and multiple policy priorities. There was no specific external trigger that created political urgency for media reform beyond the general mandate of the revolution. The reform package's concentration of costs on powerful media proprietors, without sufficient corresponding benefits to other organised groups, made coalition-building difficult. And the communication strategy for the reform agenda was not consistently effective in building popular political support for specific reform measures.

17.2 The Problem of Reform Sequencing

One of the most important insights from the political economy of institutional reform is that the sequence of reforms matters enormously. Reforms that are sequenced well, addressing first the changes that generate political support for subsequent changes, are more likely to succeed than reforms that attempt to address all problems simultaneously.

The sequencing of Bangladesh's media reform agenda under Alam's tenure shows some evidence of poor sequencing. The most visible and politically controversial reforms, such as the "One House One Media" policy and the transformation of BTV into a public service broadcaster, were announced as objectives early in the reform process, generating immediate opposition from powerful interests, but were not implemented in a form that allowed the political benefits of reform to materialise and reinforce support for further change.

A better-sequenced approach might have prioritised, in the first instance, the reforms that were most achievable with available institutional resources and that would generate immediate, visible benefits for constituencies whose political support was needed for the broader reform agenda. Journalist employment reform, including improved minimum wages and formal employment contracts, would have generated support from the journalism profession. The cancellation of

politically motivated prosecutions under the DSA and CSA, which the government did achieve, generated significant relief within the journalism community and among civil society. Building on these early wins to develop a reform coalition that could support the more difficult structural changes might have been a more effective strategy.

The concept of "reform momentum," explored by political scientists including Merilee Grindle in her work on "good enough governance," suggests that institutional reform tends to generate its own momentum when early successes demonstrate that change is possible and build the political capital needed for further reform. Conversely, the failure of early reform attempts can undermine momentum and allow established interests to consolidate their resistance. In the media reform context, the failure to deliver on the journalist protection ordinance, repeatedly promised but never enacted, may have undermined the credibility of the reform agenda and reduced the political support available for subsequent reform efforts.

17.3 The International Dimension: External Pressure and Support for Reform

The external dimension of Bangladesh's media reform agenda deserves specific attention. International media freedom organisations, including Reporters Without Borders, Article 19, the International Federation of Journalists, the Committee to Protect Journalists, and Freedom House, maintained active engagement with the reform process, submitting recommendations to the Media Reform Commission, monitoring and reporting on the implementation of reforms, and engaging with government officials including Alam.

This international engagement provided both support and accountability. The improvement in Bangladesh's World Press Freedom Index ranking, from 165th to 149th, under Alam's tenure, was partly attributable to the genuine progress made on the legal framework, particularly the repeal of the CSA provisions, but also to the international community's recognition of the government's commitments to reform. The ranking improvement, which Alam cited publicly with evident satisfaction, provided a form of external validation that reinforced the reform agenda domestically.

But the international community's response to the proposed National Media Commission and Broadcasting Commission ordinances of January 2026 illustrates the limits of positive international engagement. The immediate condemnation of the draft ordinances by Article 19, the International Federation of Journalists, and others, on the grounds that they would establish state-controlled rather than genuinely independent regulatory bodies, put significant pressure on the interim government's international reputation at a critical political moment. The timing of the condemnation, coming as the government was preparing to hand over to an elected government, added to the political cost.

The concept of "international human rights pressure" as a mechanism for promoting domestic human rights reform has been extensively studied in the international relations and international law literature. Thomas Risse, Stephen Ropp, and Kathryn Sikkink's "The Power of Human Rights" (1999) and the subsequent "The Persistent Power of Human Rights" (2013) document the processes through which international human rights norms are transmitted to and internalised

by domestic political actors through the engagement of transnational advocacy networks, international organisations, and bilateral diplomacy.

In Bangladesh's case, the international pressure has been episodic rather than sustained and has operated primarily through the reputational mechanism of international media freedom indices rather than through the direct conditionality mechanisms that bilateral aid relationships can provide. The United States Agency for International Development (USAID), the European Union, and UNESCO have all maintained programmes supporting media freedom in Bangladesh, but these programmes have been informational and technical rather than coercive in character.

CHAPTER EIGHTEEN: ALAM'S LEGACY IN THE INFORMATION DOMAIN

18.1 Assessment: A Balance Sheet

A fair assessment of Mahfuj Alam's record as Information Adviser requires distinguishing between what he achieved, what he attempted but failed to achieve, and what he failed to attempt. The balance sheet is genuinely mixed, and its evaluation depends significantly on the criteria applied.

If the criterion is fidelity to the reform mandate articulated by the July Revolution and the Media Reform Commission, the assessment must acknowledge significant shortfalls. The journalist protection ordinance was not enacted. The "One House One Media" policy was not implemented. BTV was not transformed into a genuine public service broadcaster. The licensing process was not made transparent and merit-based, with the television licensing controversy suggesting a continuation of practices resembling those of the previous regime. And the draft ordinances released in January 2026, just before Alam's resignation, have been widely criticised as inconsistent with the independence standards that the reform agenda had proclaimed as its goal.

If the criterion is the progress made in a severely constrained institutional environment, with limited bureaucratic cooperation, limited political backing, powerful opposition from established media interests, and an institutional framework deeply shaped by the previous regime's practices, a more sympathetic assessment is appropriate. The repeal of the CSA, while not primarily Alam's achievement, was accomplished during his tenure and represents a genuine and significant improvement in the information freedom environment. The 16-place improvement in the World Press Freedom Index, while leaving Bangladesh at an unimpressive 149th, is measurable progress. The twelve decisions announced by the ministry in July 2025, while modest in scope, represent genuine engagement with the reform agenda.

If the criterion is what a more effective information adviser might have achieved with the same institutional resources and political context, the assessment again becomes more critical. A minister with greater bureaucratic experience, stronger political networks, more effective coalition-building skills, and a clearer strategy for sequencing and prioritising reforms might have accomplished more within the same constraints. The failure to deliver on the journalist

protection ordinance, a measure with broad support in the journalism community and without the structural obstacles that ownership reform faced, is a specific failure that cannot be fully explained by institutional resistance alone.

18.2 The Contribution to Bangladesh's Political Development

Whatever the assessment of his ministerial performance, Alam's contribution to Bangladesh's political development extends beyond his specific record in the Information Ministry. His most important contribution, which cannot be measured in terms of legislation enacted or regulatory decisions made, is the demonstration that a young person from a rural background, educated in Islamic institutions before entering the secular law faculty, could become a central figure in a national political transformation and articulate a coherent vision of democratic, pluralist, and information-free governance.

The political significance of this biographical trajectory is its potential as a model. Bangladesh's political class has historically been dominated by narrow elites: urban families with connections to the founding generation, military officers, business families, and professional politicians with dynastic connections to the major parties. The inclusion of student activists in the advisory council challenged this pattern, opening a pathway from civil society activism to governmental power that had not previously existed in Bangladesh.

Whether this pathway remains open after the transition to elected government is uncertain. The electoral system tends to favour candidates with the financial resources to conduct campaigns and the political networks to mobilise voters, both of which tend to advantage established elites over civil society activists. But the July Revolution has permanently altered the political landscape by demonstrating the political agency of young people, by creating a new political generation with governmental experience, and by establishing the National Citizen Party as a vehicle through which some student leaders intend to compete in electoral politics.

18.3 The Institutional Precedent: Student Representatives in Government

The institutional precedent of including student movement representatives in the advisory council of the interim government is itself a significant contribution to Bangladesh's constitutional history, whatever the individual performances of specific advisers. It establishes the principle that political transitions can and should incorporate the voices of those who drove them, that student activists are legitimate participants in governmental processes, and that political experience and institutional seniority are not the only valid qualifications for governmental responsibility.

This precedent has comparative resonance. The inclusion of youth representatives in governmental processes has been demanded and partially achieved in several post-authoritarian transitions, including the inclusion of youth delegates in Tunisia's National Dialogue Quartet that managed the 2013-2014 constitutional crisis, the youth representation demands in the Chilean constitutional assembly process of 2021-2022, and the youth political mobilisation that has reshaped electoral politics in several African countries. Bangladesh's specific arrangement of

direct inclusion in the advisory council is more far-reaching than most of these comparative cases and establishes a reference point for future transitions.

18.4 The Unfinished Agenda: What Remains to Be Done

The media reform agenda remains substantially unfinished at the end of Alam's tenure. The challenges it faces are both immediate and structural.

The immediate challenges include: the enactment of a journalist protection ordinance that meets international standards; the establishment of an independent National Press Commission with genuine powers and genuine independence; the reform of BTV into a public service broadcaster with statutory independence; the reform of the television licensing process to make it transparent, merit-based, and independent of political direction; and the reform of the government advertising system to remove its use as a tool of editorial pressure.

The structural challenges include: the dismantling of the conglomerate media ownership structures that make genuine editorial independence structurally difficult; the reform of the media economy to provide sustainable funding for quality journalism without dependence on politically compromised advertising or government favour; the rebuilding of the professional culture of Bangladeshi journalism, including norms of editorial independence, verification, and accountability; and the development of an adequate framework for governing digital platforms in ways consistent with freedom of expression and protection from disinformation.

These challenges will outlast any single government or any single adviser. They are the long-term work of democratic consolidation, requiring sustained political will, institutional capacity, and cultural change over years and decades. The framework for addressing them has been partially constructed during the transition period: the Media Reform Commission's report provides a comprehensive blueprint, the legal reforms of the Cyber Security Ordinance provide a foundation for a more freedom-respecting digital environment, and the international engagement with Bangladesh's media situation has raised awareness and provided technical support.

Whether the elected government that takes over from the interim government will prioritise and implement this agenda is the central question for the future of press freedom in Bangladesh. The answer will depend on the composition of the elected government, the political pressures it faces, the strength of civil society advocacy for media freedom, and the international community's continued engagement. Alam's tenure as Information Adviser has contributed to framing this agenda and to demonstrating both its importance and its difficulty.

CHAPTER NINETEEN: THE INTERSECTION OF CONSTITUTIONAL REFORM AND INFORMATION FREEDOM

19.1 The Constitutional Reform Commission's Media-Related Recommendations

The Constitutional Reform Commission, established on October 7, 2024 and headed by Professor Ali Riaz of Illinois State University, submitted its report to the interim government on January 15, 2025. The commission's recommendations, which proposed sweeping changes to the constitutional framework including the replacement of three of the four founding state principles and the introduction of a bicameral parliament, have significant implications for the information and media governance framework even though they do not focus specifically on media regulation.

The most directly relevant constitutional reform proposal for the information domain is the expansion of fundamental rights to include the right to internet access. The commission's recommendation that access to the internet be recognised as a fundamental right, alongside food, clothing, shelter, and education, would provide constitutional protection for the basic technical precondition of digital information access. If enacted, this provision would give constitutional weight to the arguments against internet shutdowns: a government that imposes an internet shutdown would be infringing a constitutionally protected fundamental right, subject to the judicial review standards applicable to fundamental rights restrictions.

The recommendation to retain the state religion clause while dropping secularism from the constitution, replacing it with pluralism, has complex implications for the information and media governance domain. The state religion provision, as it currently stands, has been used to justify restrictions on media content touching on religious matters in ways that disproportionately affect non-Muslim communities and secular voices. A genuine pluralism principle, if defined and enforced to require media coverage that represents all religious communities without discrimination, would be a positive development for information justice. But if pluralism is interpreted narrowly, primarily as a term for religious tolerance without the institutional requirements for equal representation, its practical effect on the media landscape may be limited.

The commission's proposals for structural reforms to prevent the concentration of power in the prime minister's office, including the limitation of the prime minister's role, the creation of a National Constitutional Council, and the introduction of a Senate, are less directly related to the information domain but have significant indirect implications. Concentrated executive power and media control have been closely correlated in Bangladesh's experience: the most aggressive periods of media restriction have coincided with the highest concentrations of executive power. Structural checks on executive power provide a more general protection for media freedom by limiting the government's ability to direct regulatory outcomes.

19.2 The Relationship Between Secularism, Pluralism, and Press Freedom

The constitutional reform commission's recommendation to replace secularism with pluralism as a constitutional principle has generated intense debate, with implications for the information and media domain that deserve specific attention.

The classical constitutional relationship between secularism and press freedom operates through the neutrality principle: a secular state does not favour any religion in its media regulation, does not require any religious perspective to be represented or any religious perspective to be excluded, and treats religious and secular expression on equal terms. The neutrality principle

provides important protection for media freedom because it prevents the government from using religious considerations as a justification for restricting information or expression that it finds politically inconvenient.

The replacement of secularism with pluralism, as the commission has proposed, could maintain the essential neutrality principle if pluralism is defined and applied to require equal treatment of diverse religious and cultural perspectives. But pluralism is a less precise concept than secularism, and its operational definition will depend on the interpretation given to it by the courts, the regulatory authorities, and the political culture. If pluralism is interpreted as requiring the accommodation of diverse viewpoints without imposing any single perspective, it could provide even stronger protection for media diversity than narrow secularism. But if it is interpreted as permitting the privileging of the majority religious perspective while tolerating others, it could provide weaker protection for minority voices.

The retention of Islam as the state religion creates a structural tension with any strong pluralism principle, since the formal recognition of one religious tradition as the state religion inevitably creates a different status for that tradition compared to others, regardless of constitutional commitments to equal treatment. This tension is one of the enduring problems of Bangladesh's constitutional framework, and it has not been resolved by the commission's recommendations but only reframed in slightly different terms.

For the information and media domain, the practical implications of this constitutional ambiguity include: the risk of using religious sentiment as a justification for content restrictions that disproportionately affect minority voices; the difficulty of covering religious affairs in ways that treat all religious communities with equal dignity and critical attention; and the chilling effect on journalism about religious matters created by the uncertainty about what constitutes legally permissible religious commentary.

19.3 The Bicameral Parliament and Media Governance

The Constitutional Reform Commission's proposal for a bicameral parliament, with a lower house of 400 directly elected members and an upper house or Senate of 105 members nominated by political parties based on their share of the vote, has significant implications for the legislative framework governing media.

A bicameral legislature provides an additional layer of deliberation and review for media legislation, which can be valuable when media legislation is politically contested and where rushed legislative action risks producing laws that fail to adequately protect freedom of expression. The Senate, with its different basis of representation from the lower house, could serve as a counterweight to majoritarian pressures that might otherwise produce media legislation reflecting the interests of the majority rather than the full range of political perspectives.

The proposal for Senate representation to include youth, with ten percent of lower house seats reserved for members under a specified age threshold, is specifically relevant to the representation of the generational political perspective that the July Revolution articulated. If

implemented, this provision would ensure that the legislature responsible for making media law includes representatives of the generation whose political activism revealed the depth of the problems in Bangladesh's media system.

The proposed National Constitutional Council, which would oversee appointments to constitutional bodies, could also play an important role in ensuring that appointments to a reformed Broadcasting Commission and National Press Commission are made through a transparent, merit-based process rather than through political patronage. If the National Constitutional Council operates as a genuine cross-party body with civil society representation, its involvement in regulatory appointments could provide a structural guarantee of independence that the proposed draft ordinances failed to achieve.

CHAPTER TWENTY: THEORETICAL SYNTHESIS: INFORMATION, POWER, AND DEMOCRATIC TRANSITION

20.1 The Information Theory of Democratic Transition

The theoretical literature on democratic transition has traditionally emphasised political, institutional, and economic dimensions: the behaviour of elites, the design of electoral systems, the management of security sector reform, and the economic conditions for democratic consolidation. The role of the information environment in democratic transition has been relatively neglected in this literature, though its importance has been increasingly recognised in the aftermath of the Arab Spring and in the analysis of digital-age revolutions.

A comprehensive information theory of democratic transition would hold that the successful consolidation of democracy requires not merely the formal establishment of democratic institutions but the construction of an information environment that supports democratic governance: media that is independent, diverse, and committed to public interest journalism; information laws that protect rather than restrict free expression; public access to government information through robust freedom of information frameworks; and digital platforms that enable democratic participation without enabling authoritarian control.

Bangladesh's transition illustrates both the importance of the information environment and the difficulty of transforming it. The July Revolution was enabled by the information environment provided by social media platforms, which allowed the movement to communicate, coordinate, and circulate evidence of government violence in ways that circumvented the Hasina government's control of traditional media. But the construction of a sustainable democratic information environment requires more than the liberation of social media from state control; it requires the systematic transformation of the entire information landscape, a task that the interim government has begun but not completed.

The concept of "information infrastructure" is useful here: just as physical infrastructure, roads, electricity networks, and communications systems, is a precondition for economic development, information infrastructure, including independent media, freedom of information laws,

professional journalism education, and digital literacy programmes, is a precondition for democratic development. Like physical infrastructure, information infrastructure requires sustained public investment and cannot be created through market forces alone.

20.2 The Deliberative Democratic Theory and Bangladesh's Information Challenge

Deliberative democratic theory, associated primarily with Jurgen Habermas but developed by many other scholars including Seyla Benhabib, James Bohman, and Amy Gutmann and Dennis Thompson, holds that the legitimacy of democratic governance derives not merely from majority rule but from the quality of the deliberation through which collective decisions are made. Legitimate decisions are those that emerge from a process in which all affected parties have an equal opportunity to participate, in which reasons are offered and critically evaluated, and in which the force of the better argument rather than power or self-interest determines outcomes.

This demanding standard for democratic legitimacy requires specific informational conditions. Citizens must have access to accurate and comprehensive information about the matters under deliberation. They must have platforms on which to express their views and to engage with the views of others. They must be protected from manipulation of the information environment by powerful private or state actors. And they must have the educational and cognitive capacity to evaluate the information they receive critically.

Bangladesh's information environment, even after the significant improvements of the post-revolution period, falls substantially short of these demanding conditions. The National Media Opinion Survey finding that 47 percent of citizens believe journalists cannot report freely indicates a persistent perception of information constraint that undermines the deliberative quality of Bangladesh's democracy. The structural problems of media ownership concentration, poor journalist pay, and self-censorship mean that the information available to citizens is systematically biased in ways that compromise the quality of democratic deliberation.

The media reform agenda, understood through the deliberative democratic theory lens, is not merely about press freedom as an individual right but about the creation of the informational conditions for genuine democratic self-governance. This understanding elevates the stakes of media reform and makes its failure not merely a regulatory setback but a democratic deficit.

20.3 Critical Theory and the Limits of Formal Reform

The critical theory tradition, associated with the Frankfurt School and with contemporary scholars including Slavoj Zizek, Axel Honneth, and Nancy Fraser, provides a more sceptical perspective on the emancipatory potential of formal legal and institutional reform. Critical theorists argue that formal reforms often serve to legitimate and stabilise systems of domination rather than to challenge them fundamentally, by addressing visible symptoms of injustice while leaving the structural conditions that produce injustice in place.

Applied to Bangladesh's media reform context, this critical perspective would observe that the repeal of the Cyber Security Act, while genuinely significant, does not address the underlying structural conditions, concentrated media ownership, the political economy of advertising

dependence, and the cultural norms of self-censorship, that systematically constrain information freedom. The formal legal reform creates the appearance of change while leaving the substance of power relations in the information domain largely intact.

This is a sobering perspective, and it has some merit as a corrective to excessive optimism about the effects of legal reform. But it also has limits. The lived experience of journalists in Bangladesh after the repeal of the CSA provisions is genuinely different from their experience before the repeal: the specific legal threat that kept thousands of citizens in fear of prosecution for online expression has been removed. This is not insignificant, even if it is insufficient.

The critical theory perspective is most useful not as an argument against formal legal reform but as a reminder of the need for structural analysis alongside the analysis of formal legal change. The question is not merely whether the law has changed but whether the social relations of media production and consumption have changed in ways that expand the genuine freedom and diversity of information available to citizens. This broader question points toward the structural reforms, ownership diversification, public service broadcasting, journalist employment reform, and digital platform governance, that the immediate legal reform agenda must be accompanied by if the overall information freedom project is to succeed.

20.4 Jurisprudence and the Future: From Transitional to Consolidating Democracy

The jurisprudential dimensions of Bangladesh's transition extend beyond the specific reforms of the Alam period to the broader question of what kind of constitutional and legal framework will support democratic consolidation over the longer term. Several jurisprudential questions that have been raised during the transition period will shape the constitutional development of Bangladesh for years to come.

The question of how the basic structure doctrine should be applied to constrain constitutional amendments that threaten democratic governance is one of the most important. The Supreme Court's adoption of the basic structure doctrine in the Anwar Hossain case established the principle that constitutionally fundamental features cannot be abrogated by amendment. The question of what falls within the basic structure, a question that courts in India, Bangladesh, Germany, and other jurisdictions have grappled with for decades, is likely to recur as the elected government takes over and faces the question of which of the interim government's reform measures it will maintain and which it will seek to modify or reverse.

The relationship between the constitutional right to freedom of expression and the legitimate regulation of media for public interest purposes will continue to be contested in the courts. The development of a coherent constitutional jurisprudence of media freedom, one that protects genuine press freedom while allowing reasonable regulation for public interest purposes, is one of the most important long-term jurisprudential tasks for Bangladesh's judiciary.

The new constitutional provisions proposed by the reform commission, if enacted, will require interpretation by the courts. The meaning of "pluralism" as a constitutional principle, the scope of the right to internet access as a fundamental right, and the powers of the proposed National

Constitutional Council over regulatory appointments will all become subjects of constitutional litigation that will shape the practical meaning of the new constitutional framework.

CONCLUSION TO PART TWO: INFORMATION FREEDOM AS THE FOUNDATION OF DEMOCRATIC LIFE

This second part of the textbook has examined in depth the specific institutional, legal, theoretical, and political dimensions of Mahfuj Alam's tenure as Adviser for Information and Broadcasting to the Interim Government of Bangladesh. The examination has been deliberately multidimensional, integrating legislative analysis of the DSA, CSA, and Cyber Security Ordinance, comparative broadcasting regulation from Europe, South Africa, and India, political economy analysis of media ownership concentration, deliberative democratic theory, the information justice framework, and the biographical specifics of Alam's experience in office.

What emerges from this multidimensional examination is a picture of genuine complexity that resists simple heroic or villainous narratives. Mahfuj Alam brought to the Information Ministry a genuine commitment to media freedom, a sophisticated understanding of the structural problems in Bangladesh's information landscape, and the moral authority of his role in the revolution that made media reform politically possible. He operated within institutional constraints, bureaucratic resistance, and political pressures that severely limited what any single minister could achieve in a thirteen-month tenure.

His achievements, measured against the enormity of the task, were modest but real: the improvement in Bangladesh's press freedom ranking, the ministry's adoption of twelve reform decisions implementing some of the Media Reform Commission's recommendations, the contribution to the repeal of the most repressive provisions of the Cyber Security Act, and his public articulation of a vision of media freedom rooted in democratic pluralism and information justice.

His failures, measured against the commitments of the revolution and the specific promises he made, were significant: the journalist protection ordinance was not enacted, the licensing process was not reformed, BTV was not transformed, and the media ownership structure was not changed. The January 2026 draft ordinances, released in the final weeks of his tenure, represented a step backward rather than forward on the independence standards that the reform agenda had proclaimed.

The theoretical analysis of these achievements and failures points to structural and systemic explanations rather than primarily personal ones. The political economy of media regulation, the institutional dynamics of bureaucratic resistance, the complexity of coalition-building in a transitional environment, and the multi-year nature of the institutional change required all suggest that the reform agenda could not have been fully implemented in a single transitional period regardless of the skill or commitment of any individual minister.

The most important legacy of Alam's tenure in the Information Ministry may be not what was accomplished but what was attempted and articulated: a vision of Bangladesh's information environment as a pluralist, independent, and democratic public sphere, serving the full diversity of the country's population and providing the informational conditions for genuine democratic self-governance. The gap between this vision and the reality of Bangladesh's media landscape in 2025 and 2026 defines the agenda for the years ahead.

Part Three of this textbook will examine the constitutional dimensions of the transitional period in greater depth, exploring the specific jurisprudential questions raised by the interim government's constitutional reform proposals, the role of the Supreme Court in the transitional process, and the comparative constitutional law frameworks that illuminate Bangladesh's specific constitutional challenges.

Extended Bibliographic Note for Part Two

The theoretical and legal sources drawn upon in this part are numerous and diverse. Readers seeking deeper engagement with the media regulation literature should consult the following foundational texts in addition to those cited in Part One.

On the political economy of media, the indispensable starting points are Robert McChesney's "Rich Media, Poor Democracy" (1999), Ben Bagdikian's "The New Media Monopoly" (2004), and the more recent "Captured News Media" edited by Ann Florini and Nagesh Prabhu. The specific Bangladeshi context is analysed in the Media Reform Commission's March 2025 report, available through the Bangladesh Ministry of Information and Broadcasting, and in the Centre for Governance Studies' analyses of media ownership concentration.

On public service broadcasting, the comparative literature is extensive. The starting points are the Media and Democracy section of UNESCO's work, Patrick Humphreys' "Mass Media and Media Policy in Western Europe" (1996), and the more recent edited volume "Public Service Media in Europe" by Gregory Ferrell Lowe and Fiona Martin. On the BBC specifically, Jean Seaton's "Pinkoes and Traitors" (2015) provides the most recent scholarly treatment.

On internet freedom and the regulation of digital platforms, the most recent and relevant works include Zeynep Tufekci's "Twitter and Tear Gas" (2017), Shoshana Zuboff's "The Age of Surveillance Capitalism" (2019), and the more specific regulatory analyses in the Oxford Handbook of Online Intermediary Liability (2020). The annual Freedom on the Net reports from Freedom House and the annual reports of the Electronic Frontier Foundation provide current empirical data.

On the jurisprudence of freedom of expression in international human rights law, the essential texts are the UN Human Rights Committee's General Comment 34 (2011), the annual reports of the UN Special Rapporteur on Freedom of Expression, and the jurisprudence of the European Court of Human Rights on Articles 10 and 11 of the European Convention on Human Rights.

The recent Oxford University Human Rights Hub analysis of "weaponised legalism" in press freedom contexts provides the most current theoretical framework.

On deliberative democracy and its information preconditions, the foundational texts are Habermas's "Between Facts and Norms" (1996), Benhabib's "Democracy and Difference" (1996), and Gutmann and Thompson's "Democracy and Disagreement" (1996). The most recent contributions to the deliberative democracy literature can be found in the journal "Philosophy and Public Affairs" and in the work of the Deliberative Democracy Consortium.

End of Part Two

Part Three: The Constitutional Architecture of a New Bangladesh will examine the Constitutional Reform Commission's proposals in detail, the role of the Supreme Court in the transition, the jurisprudence of basic structure doctrine in the South Asian context, the question of a new constitution versus constitutional amendment, and the specific constitutional challenges posed by Bangladesh's transitional moment, including the legitimacy of the interim government's legislative programme and the constitutional basis for the reform commissions themselves.

PART THREE: THE CONSTITUTIONAL ARCHITECTURE OF A NEW BANGLADESH: REFORM, RUPTURE, AND THE JURISPRUDENCE OF DEMOCRATIC REFOUNDING

Prefatory Note to Part Three

Part Two of this textbook examined Mahfuj Alam's tenure as Adviser for Information and Broadcasting, tracing the specific legislative, institutional, and theoretical dimensions of his work in the media and communications portfolio. It situated that work within the broader political economy of information freedom, deliberative democratic theory, and the contested legacy of the Cyber Security Act and its successors. This third part turns to the larger constitutional canvas on which the Information Ministry's reform programme was painted: the constitutional architecture of post-revolutionary Bangladesh and the extraordinary effort, spread across the entirety of the interim government's tenure, to redesign the fundamental institutional framework of the republic.

Part Three is broader in scope than Part Two, and deliberately so. It is impossible to understand what Mahfuj Alam was attempting to do in the specific domain of information governance without understanding the constitutional environment in which he was operating. That environment was one of radical uncertainty and radical possibility simultaneously: uncertainty because the constitutional foundations of governmental authority were genuinely contested in the months following August 2024, and possibility because the fall of the Sheikh Hasina government created, for the first time in a generation, a genuine opening for structural change in the foundational institutions of the Bangladeshi state.

The chapters that follow examine the constitutional reform agenda through multiple analytical lenses. They explore the jurisprudential and theoretical dimensions of constitutional design in a post-authoritarian transitional context, the specific proposals of the Constitutional Reform Commission and the process by which those proposals were translated into the July National Charter, the role of the Supreme Court as both a constraint on and an enabler of constitutional change, the referendum of February 2026 and the questions of democratic legitimacy it raised and partially resolved, and the place of Mahfuj Alam's specific political philosophy within the broader constitutional vision that animated the reform project.

Throughout, this part engages with the most recent scholarship on democratic transitions, constitutional design, and the relationship between revolutionary legitimacy and juridical authority. The constitutional crisis of 2024-2026 in Bangladesh has attracted the attention of some of the world's leading constitutional scholars, and their analyses provide theoretical resources that illuminate the specific Bangladeshi case while also placing it within the global comparative context of constitutional transitions and democratic refounding.

The user of this text who is approaching these chapters as a student of law, political science, or South Asian studies will encounter theoretical frameworks from comparative constitutional law, democratic transition theory, jurisprudential philosophy, and political theory. These frameworks are not imposed on the material from outside but emerge from the material itself: they are the frameworks that the participants in Bangladesh's constitutional drama themselves drew on, consciously or not, as they navigated the extraordinarily difficult task of rebuilding a constitutional order after its collapse.

CHAPTER TWENTY-ONE: CONSTITUTIONAL CRISIS AND CONSTITUTIONAL OPPORTUNITY: THE MOMENT OF AUGUST 2024

21.1 The Anatomy of Constitutional Collapse

On the morning of August 5, 2024, Sheikh Hasina boarded a military helicopter and left Bangladesh for India, ending fifteen years of Awami League government and triggering the most significant constitutional crisis in the country since the assassination of Sheikh Mujibur Rahman in 1975. The fall of her government was not merely a change of political leadership. It was a constitutional rupture: a moment in which the normal procedures of constitutional governance, the mechanisms through which power is transferred, exercised, and constrained by law, ceased to function in any recognisable form.

To understand why this constituted a constitutional crisis rather than merely a political crisis, one must understand what constitutionalism means and what it requires. A constitutional system, in the analysis of the legal philosopher Ronald Dworkin, is one in which political decisions are not merely the product of raw power or democratic majoritarianism but are constrained and guided by fundamental principles of right that apply to all political actors equally. A constitutional government is, in Dworkin's famous phrase, a government that takes rights seriously: a

government whose actions are limited not merely by political prudence or the force of opposition but by the internal demands of the constitutional framework within which it operates.

The Hasina government's trajectory from 2009 onwards can be read, from this perspective, as a progressive abandonment of constitutionalism in favour of constitutional formalism: a use of the forms of constitutional procedure, elections, parliamentary majorities, judicial appointments, to achieve substantive outcomes that were incompatible with the constitutional principles those forms were designed to protect. The elections of 2014, 2018, and 2024 were conducted in formal compliance with the relevant constitutional provisions but produced results that were widely regarded as systematically fraudulent. The Digital Security Act and the Cyber Security Act were enacted through normal legislative procedures but contained provisions that violated the constitutional rights to freedom of expression and due process in ways that the courts, themselves compromised by the appointment of judges loyal to the ruling party, largely failed to check.

This pattern of constitutional formalism, the use of constitutional procedures to achieve anti-constitutional outcomes, is what scholars have called democratic backsliding or autocratisation. It represents a distinctive challenge for constitutional theory because it is harder to identify and resist than outright military coups or overt suspensions of the constitution. When a government openly seizes power by force, the unconstitutional character of its action is transparent. When a government uses constitutional procedures to gradually hollow out the substance of constitutional governance, the process is more insidious and the moment of constitutional violation harder to identify with precision.

The constitutional theorist Tom Ginsburg, writing with Aziz Huq in their influential 2018 study "How Democracies Die," identified what they called constitutional retrogression, a gradual process of erosion of democratic norms and institutions that falls short of outright coup but ultimately produces a political system in which competitive elections are no longer genuinely competitive and the rule of law applies only selectively. Their analysis, developed primarily through a study of Hungary, Poland, Turkey, and Venezuela, maps almost precisely onto the trajectory of Bangladesh under the later years of Sheikh Hasina's governance.

The relevance of this analysis for understanding the constitutional moment of August 2024 is this: when constitutional retrogression has proceeded to the point where the formal constitutional machinery no longer functions as a genuine constraint on executive power, the moment of regime collapse creates a constitutional vacuum. The mechanisms for constitutional transfer of power, which depend on the good faith participation of incumbents, no longer function. A new constitutional moment has arrived, one in which the question of how to constitute legitimate authority must be answered from first principles rather than by reference to existing constitutional procedures.

21.2 The Doctrine of Revolutionary Legitimacy and Its Constitutional Implications

The concept of revolutionary legitimacy is one of the most contested in constitutional theory. The question it asks is deceptively simple: can a political authority that comes to power through

unconstitutional means, specifically through the overthrow of an existing constitutional order, ever be legitimate? And if so, on what basis?

The classical liberal constitutional tradition, most influentially represented in the social contract theory of John Locke, provides one answer: legitimate authority derives from the consent of the governed. Where a government has broken the social contract by systematically violating the rights of the people, the people retain a right of revolution, a right to overthrow the government and constitute a new one. This Lockean right of revolution was invoked by the American founders in the Declaration of Independence and has been a recurring theme in the justification of political revolutions in the modern world.

In Bangladesh, the participants in the July-August 2024 uprising drew explicitly on this Lockean tradition, describing the uprising as an exercise of popular sovereignty against a government that had forfeited its legitimacy through tyranny. The language of the July National Charter, issued in October 2025, reflects this invocation: it speaks of the "sovereign will of the people expressed through the July-August 2024 student-people's uprising" as the founding authority for the constitutional reform programme.

This invocation of popular sovereignty as the basis for revolutionary legitimacy has deep roots in democratic theory. The distinction between constituent power (*pouvoir constituant*) and constituted power (*pouvoir constitué*), first clearly articulated by the Abbe Sieyes in his revolutionary pamphlet "What is the Third Estate?" (1789), provides the theoretical vocabulary for understanding how revolutionary moments can generate new constitutional orders. Constituent power is the power of the people to constitute a new political order, a power that is prior to and independent of any existing constitutional framework. Constituted power is the power of institutions created by the constitution, a power that is derivative of and limited by the constitutional framework that created it.

The revolutionary situation of August 2024 in Bangladesh represented, in this theoretical framework, a moment of constituent power: a moment in which the existing constitutional framework had collapsed and the people, through their collective action, were exercising their primary power to constitute a new order. The interim government led by Muhammad Yunus derived its authority not from any provision of the 1972 constitution or its amendments but from the political fact of the uprising and the subsequent consensus of political parties, civil society organisations, and military leadership that Yunus should serve as Chief Adviser.

The constitutional theorist Hannah Arendt's analysis of revolution is illuminating in this context. In her study "On Revolution" (1963), Arendt distinguished between what she called the social revolution and the political revolution. The social revolution, which she associated with the French revolutionary tradition, aims at the transformation of society itself: the elimination of poverty, inequality, and oppression. The political revolution, which she associated with the American founding, aims at the creation of durable political institutions through which citizens can exercise political freedom. The greatest challenge of revolutionary politics, in Arendt's analysis, is to translate the explosive energy of revolution, what she called the "revolutionary spirit," into stable constitutional institutions without destroying the participatory energy that made the revolution possible.

Bangladesh's constitutional moment in 2024-2026 can be read as an attempt to navigate exactly this challenge: to translate the revolutionary energy of the July uprising, with its remarkable display of popular political agency, into constitutional institutions capable of sustaining democratic governance over the long term. The interim government's constitutional reform programme was, in this sense, an attempt at what Arendt would have called political founding: the creation of authoritative institutions that can outlast the revolutionary moment.

21.3 The Institutional Architecture of Uncertainty: The Interim Government's Constitutional Basis

The constitutional basis for the interim government that took office on August 8, 2024 was, from a formalist perspective, extraordinarily weak. The constitution of Bangladesh does not contain any provision for an interim government of the kind that was formed following Sheikh Hasina's departure. The constitutional provisions for succession of government contemplate the normal operation of the parliamentary system: if a government falls through a vote of no confidence, the President invites the leader of the opposition to form a new government or dissolves parliament and calls fresh elections. None of these procedures were applicable in August 2024, because the parliamentary system itself had effectively ceased to function as a result of the events of the uprising.

The legal basis on which the President, Mohammed Shahabuddin, acted in appointing Yunus as Chief Adviser was therefore not any specific constitutional provision but the broader doctrine of state necessity, or what legal scholars sometimes call the doctrine of constitutional necessity or the Kelsen-Hart positivist argument about the effective operation of legal systems. The state necessity doctrine holds that in exceptional circumstances, where the normal constitutional machinery has broken down and there is an urgent need for effective governance, a government can exercise powers that are not explicitly authorised by the constitution if the exercise of those powers is necessary for the preservation of the state and the protection of the public interest.

This doctrine has a complex and contested history in South Asian constitutional jurisprudence. It was first applied in Pakistan in the case of *Federation of Pakistan v Maulvi Tamizuddin Khan* (1955), in which the Federal Court of Pakistan validated Governor-General Ghulam Mohammad's dismissal of the constituent assembly on grounds of state necessity. The doctrine was subsequently applied, in various forms, by courts in Pakistan, Bangladesh, and other South Asian countries to validate extra-constitutional governmental actions in emergency situations.

The problematic character of the state necessity doctrine from a rule of law perspective is well established. By providing a legal basis for actions that are not authorised by the constitution, the doctrine creates a potential justification for any sufficiently powerful political actor to override constitutional constraints whenever those constraints become inconvenient. It is, as the legal philosopher Joseph Raz observed in his analysis of the rule of law, a doctrine that risks making the rule of law self-defeating: a doctrine that can be invoked to justify the suspension of the very legal framework it purports to serve.

At the same time, the refusal to recognise any form of extra-constitutional legitimacy in revolutionary situations creates its own theoretical problems. A pure constitutional formalism

that insists on the validity only of actions expressly authorised by constitutional provisions cannot account for the phenomenon of constitutional founding: the creation of a new constitutional order cannot itself be authorised by the old constitution that it replaces. This is what the legal philosopher Hans Kelsen called the Grundnorm problem: every legal system must rest on a foundational norm whose own validity cannot be derived from a higher legal norm without infinite regress. The Grundnorm of a new constitutional order established through revolution is simply the political fact of the revolution's success: the fact that the new order is effective and commands general acceptance.

For Bangladesh in August 2024, the foundational norm of the interim government's authority was the political fact of the uprising and the subsequent acceptance of Yunus's leadership by the major political parties, the military, civil society, and the international community. This acceptance did not transform the government's authority into constitutional authority in the strict formalist sense, but it gave it a form of de facto legitimacy that was sufficient to enable governance and to begin the process of constitutional reform.

21.4 Mahfuj Alam and the Constitutional Moment: Strategic Legitimation

Mahfuj Alam's role in the constitutional moment of August 2024 and its aftermath is best understood through the concept of strategic legitimation, a concept developed by the political sociologist Pierre Bourdieu in his analysis of the production and reproduction of political authority. Strategic legitimation refers to the active effort of political actors to construct and maintain the conditions of their own authority: to create the narrative, institutional, and symbolic frameworks within which their exercise of power appears legitimate rather than merely coercive.

For Alam, as a central figure in the Anti-Discrimination Students Movement that had organised the uprising, the question of legitimation was both personal and political. He needed to legitimate his own transition from movement leader to government adviser, a transition that required demonstrating that he had not sold out the revolution's principles in exchange for personal advancement. He also needed to participate in the larger project of legitimating the interim government itself, demonstrating that it represented a genuine departure from the authoritarian practices of the Hasina period rather than merely a change of personnel while the underlying structures of power remained intact.

His public statements in the months following his appointment consistently emphasised continuity with the principles of the uprising: the demand for democratic accountability, press freedom, an end to politically motivated prosecutions, and the structural reform of state institutions that had been weaponised against the population. In his conduct in the Information Ministry, he sought to demonstrate through specific actions, such as his vocal support for the repeal of the Cyber Security Act's most repressive provisions, that the rhetoric of reform was backed by genuine institutional change.

At the same time, the constitutional environment in which he was operating imposed significant constraints on what any individual minister could achieve. The interim government's legitimacy was contingent on the promise of rapid constitutional reform and the holding of elections, and any action that appeared to exceed the government's legitimate mandate as a caretaker

administration risked undermining that legitimacy. This tension between the ambition of the reform programme and the limits of the government's constitutional mandate is one of the central tensions that runs through the entire period of Alam's public life in government and indeed through the entire constitutional transition.

CHAPTER TWENTY-TWO: THE CONSTITUTIONAL REFORM COMMISSION: PROPOSALS, DEBATES, AND THE ARCHITECTURE OF A NEW REPUBLIC

22.1 The Formation and Mandate of the Commission

One of the first and most significant institutional decisions of the Yunus interim government was the establishment of a series of reform commissions tasked with developing comprehensive proposals for the transformation of Bangladesh's major state institutions. Eleven commissions were ultimately established, covering constitutional reform, electoral systems, judiciary, public administration, anti-corruption, police, public service, women's affairs, media, health, and education. The Constitutional Reform Commission (CRC) was among the most important, both because of the foundational character of its subject matter and because its recommendations would shape the framework within which all the other reform commissions' proposals would need to be implemented.

The CRC was headed by Professor Ali Riaz, a distinguished political scientist and professor at Illinois State University in the United States, who was one of the most prominent academic analysts of Bangladeshi politics internationally. Riaz had published extensively on authoritarianism, elections, and political Islam in Bangladesh, and his appointment as chair signalled the government's intention to bring the best available scholarly expertise to the constitutional reform task.

The commission's terms of reference were broad: it was asked to review the existing constitutional framework, identify its principal shortcomings from the perspective of democratic governance, and propose either amendments to the existing constitution or the text of a new constitution. The breadth of this mandate reflected both the scale of the constitutional problems identified by the uprising and the transformative aspirations of the reform coalition that had come to power.

In terms of constitutional theory, the decision to establish a commission of experts to develop constitutional proposals, rather than immediately convening a directly elected constituent assembly, reflects a pattern common in post-authoritarian transitions. The comparative literature on constitution-making identifies a range of institutional models for constitutional design in transitional contexts: elected constituent assemblies, legislative bodies acting as constituent assemblies, mixed bodies combining elected representatives and appointed experts, and expert commissions that develop proposals for subsequent popular ratification.

The choice between these models involves complex trade-offs between expertise, democratic participation, speed, and political stability. Elected constituent assemblies maximise democratic

participation but may be captured by political parties that do not represent the full diversity of the population or may produce constitutions shaped by short-term political interests rather than long-term institutional considerations. Expert commissions produce technically sophisticated proposals but may lack democratic legitimacy if their recommendations are not subjected to genuine popular participation and ratification.

Bangladesh's approach, of using expert commissions to develop proposals that would then be subjected to political negotiation through the National Consensus Commission and ultimately to popular ratification through a referendum, represents a hybrid model that sought to combine technical expertise with democratic legitimacy. Whether this hybrid approach succeeded in generating constitutions that were both technically sound and democratically legitimate is one of the central questions examined in the later chapters of this part.

22.2 The Principal Proposals of the Constitutional Reform Commission

The CRC submitted its recommendations in January 2025, and the proposals were sweeping in scope. They addressed virtually every major structural feature of Bangladesh's constitutional system, from the distribution of power between the executive and legislative branches to the structure of the judicial system, from the system of constitutional rights to the institutional architecture of independent regulatory bodies. The following analysis focuses on the most significant and theoretically interesting of these proposals.

The first major cluster of proposals concerned the executive-legislative relationship. The CRC recommended the introduction of term limits for the Prime Minister, specifically a maximum of two terms in office. This proposal addressed one of the most glaring structural weaknesses of Bangladesh's parliamentary system: the absence of any formal mechanism preventing the indefinite re-election of a Prime Minister who maintained parliamentary control. Sheikh Hasina's tenure of fifteen years, combined with the systematic erosion of democratic institutions over that period, demonstrated the potential for parliamentary majorities to be converted into mechanisms of personal rule in the absence of formal term limits.

The comparative constitutional literature provides extensive analysis of the trade-offs involved in executive term limits. On one side, term limits prevent the entrenchment of personal power and create regular opportunities for leadership renewal. On the other side, they deprive governments of the ability to maintain experienced leadership over extended periods and may actually create perverse incentives for incumbents to consolidate power during their permitted terms in anticipation of being required to leave office.

The CRC's recommendation of two-term limits drew on the experience of presidential systems, particularly in Africa and Latin America, where term limits have been one of the most important institutional mechanisms for preventing personal rule. The application of this principle to a parliamentary system is more unusual: term limits are a common feature of presidential constitutions but rarer in parliamentary ones, since the Westminster tradition relies on electoral accountability rather than formal term restrictions as the primary mechanism for constraining executive power. The CRC's recommendation reflects a contextually sensitive judgment that

Bangladesh's parliamentary democracy, given the dynamics of its party system and the dominance of personality-based politics, required the additional protection of formal term limits.

The second major cluster of proposals concerned the structure of parliament. The CRC recommended the introduction of a bicameral legislature, with a lower house elected through the existing first-past-the-post system and an upper house composed of members selected on the basis of proportional representation of parties' vote shares in the national election. This proposal represented a significant departure from Bangladesh's constitutional tradition: since independence, the country has had a unicameral legislature.

The theoretical case for bicameralism in Bangladesh rested on several arguments. First, an upper house elected through proportional representation would provide representation for parties and political forces that might win significant national vote shares without winning many geographic constituencies. This would moderate the distortions of the first-past-the-post system, which typically produce parliamentary majorities that are substantially larger than parties' actual share of the national vote. Second, a bicameral structure would provide an additional check on the passage of constitutional amendments and major legislation, requiring the consent of two separately constituted legislative bodies rather than a single chamber with potentially a single-party supermajority. Third, and perhaps most importantly in the Bangladeshi context, a requirement that constitutional amendments be approved by a majority of the upper house would make it much harder for a single party in future to use its parliamentary majority to entrench itself in power through constitutional manipulation of the kind practised by both the Awami League and BNP at various points in Bangladesh's history.

The third major cluster of proposals addressed the judiciary. The CRC recommended a series of measures designed to strengthen the independence of the Supreme Court and to insulate judicial appointments from political influence. These included the establishment of a judicial appointments commission that would make recommendations to the President on the basis of transparent criteria of professional merit, replacing the existing system under which judicial appointments were effectively controlled by the executive. The commission also recommended measures to strengthen the financial and administrative independence of the Supreme Court, including the establishment of a Supreme Court Secretariat that would manage the court's administrative affairs independently of the Ministry of Law and Justice.

These proposals drew directly on the comparative literature on judicial independence and were consistent with the recommendations of international bodies including the Venice Commission of the Council of Europe, whose guidelines on judicial independence represent the most authoritative international standards in this field. The connection between judicial independence and constitutional democracy is one of the most robustly supported findings in comparative constitutional scholarship: jurisdictions with genuinely independent judiciaries are consistently more successful in maintaining democratic governance than those in which the judiciary is subject to executive control.

The fourth major cluster of proposals addressed the system of constitutional rights. The CRC recommended a significant expansion of the justiciable rights guaranteed in the constitution, including the explicit recognition of the right to internet access as a fundamental constitutional

right, the right to a clean environment, enhanced protections for the rights of women, minorities, and indigenous peoples, and strengthened protections for the rights of assembly and association. The inclusion of internet access as a fundamental constitutional right reflected the specific lessons of the July uprising, in which the Hasina government's shutdown of the internet and mobile networks had been used as a tool of repression. By constitutionally entrenching the right to internet access, the CRC aimed to prevent future governments from using internet shutdowns as a routine instrument of political control.

The jurisprudential status of internet access as a fundamental right is a rapidly developing area of international human rights law. The UN Human Rights Committee's General Comment 37 (2020) on the right to peaceful assembly identified the shutdown of the internet and mobile phone networks as a potentially disproportionate restriction on the exercise of the right to peaceful assembly and the right to freedom of expression. The UN Special Rapporteur on Freedom of Expression has consistently held that internet shutdowns violate international human rights law. Several national constitutional courts, including the Indian Supreme Court in its landmark judgment *Anuradha Bhasin v Union of India* (2020), have recognised internet access as a constitutionally protected interest. The CRC's proposal to constitutionally entrench this right placed Bangladesh at the forefront of a global constitutional development.

The fifth major cluster of proposals addressed the structure of independent constitutional commissions and the mechanism for making appointments to them. The CRC recommended the creation of a National Constitutional Council (NCC) composed of the President, the Prime Minister, the Speaker of Parliament, the Leader of the Opposition, the Chief Justice, and representatives of civil society. The NCC would be responsible for making recommendations on appointments to the Election Commission, the National Human Rights Commission, the Anti-Corruption Commission, and other constitutional bodies. This proposal addressed the fundamental problem of regulatory capture: the tendency of governments to appoint loyalists to regulatory and oversight bodies, thereby converting those bodies from checks on executive power into instruments of executive control.

22.3 The New Constitution Versus Amendment Debate: Theoretical and Political Dimensions

One of the most fundamental questions facing the constitutional reform process was whether Bangladesh needed a new constitution or a comprehensively amended version of the 1972 constitution. This question is not merely technical but deeply political and symbolic: the choice between a new constitution and amendments to the existing one carries profound implications for constitutional identity, historical memory, and political legitimacy.

The case for a new constitution rested on several arguments. First, the 1972 constitution had been so extensively amended, through fifteen constitutional amendments over fifty years, that it bore only a distant resemblance to the founding document adopted by the Constituent Assembly. Many of these amendments had been adopted by military governments or through parliaments that had been elected in conditions of manipulation and fraud. A new constitution would enable Bangladesh to build a fresh constitutional framework on the basis of post-authoritarian

democratic consensus, unburdened by the accumulated constitutional compromises and manipulations of the past.

Second, a new constitution would provide an opportunity for a genuinely participatory constitutional founding process, involving citizens across the country in the development of a constitutional framework that they could experience as genuinely their own. The literature on constitution-making strongly supports the conclusion that constitutions developed through genuinely participatory processes are more likely to be respected and sustained over time than those imposed from above or developed by technical elites without adequate popular input.

Third, the symbolic argument for a new constitution was powerful: Bangladesh needed, psychologically and politically, to mark a genuine break with the constitutional order under which authoritarian governance had become possible. A new constitution, adopted through a legitimate process in the aftermath of a successful democratic uprising, would embody this break in a way that even the most comprehensive amendment of the existing constitution could not.

The case against a new constitution and in favour of comprehensive amendment rested on different but also compelling arguments. First, the existing 1972 constitution, despite its extensive amendments, retains significant elements of constitutional wisdom that should not be lightly discarded. Its commitments to democracy, secularism, socialism, and Bengali nationalism represent the foundational aspirations of the independence movement and continue to resonate with large segments of the population. A new constitution that significantly departed from these founding principles might generate resistance rather than consensus.

Second, the process of drafting and adopting a new constitution is typically lengthy and contentious. South Asian comparative experience offers cautionary examples: Nepal's constitutional process took more than a decade and produced a constitution that remained deeply contested. Extending Bangladesh's transitional period to accommodate a full constituent assembly process would risk creating a prolonged period of constitutional uncertainty during which democratic consolidation could not proceed.

Third, there was a principled argument rooted in constitutional continuity theory. The German legal philosopher Friedrich Müller and the Italian constitutional scholar Gustavo Zagrebelsky have both argued for the importance of constitutional continuity: the idea that constitutional orders should develop through incremental interpretation and amendment rather than wholesale replacement, because constitutional texts acquire their meaning through the accumulated practice of interpretation over time, and that accumulated meaning represents a valuable inheritance that wholesale replacement destroys.

The CRC's final position attempted to navigate between these arguments. Rather than recommending either a wholly new constitution or a simple package of amendments, it recommended what it called a "constitutional consolidation": a comprehensive revision of the existing constitution that would retain its structural framework and core commitments while substantially revising the specific provisions that had enabled authoritarian governance. This approach was characterised by one constitutional scholar as "amendment as de facto

refounding": using the amendment power to achieve an outcome functionally equivalent to a new constitution without the disruption and uncertainty of the constitutional replacement process.

22.4 Article 70 and the Problem of Anti-Defection Provisions

Among the specific constitutional provisions that attracted the most intense debate within the CRC and subsequently within the National Consensus Commission was Article 70 of the constitution, which provides that a member of parliament shall vacate his or her seat if he or she votes against the party on whose ticket the member was elected or abstains from voting. This provision, which is present in the constitutions of Bangladesh, Pakistan, and India (in different forms), is known in constitutional literature as an anti-defection clause.

The theoretical justification for anti-defection clauses is that they prevent the destabilisation of parliamentary governments by ensuring that members of parliament cannot be induced to switch sides through bribery, patronage, or personal considerations, thereby maintaining the coherence of the parliamentary majority that the electorate chose. The theoretical objection to anti-defection clauses is that they represent a fundamental violation of the principle of representative government: members of parliament are supposed to represent their constituents and exercise their own judgment in the public interest, not merely to serve as delegates of their party leadership.

In the specific context of Bangladesh, Article 70 had been identified as one of the most important constitutional mechanisms enabling the concentration of power in the hands of the Prime Minister. Because members of parliament could not vote against the party line without losing their seats, the Prime Minister who controlled the party enjoyed virtually unlimited control over parliamentary outcomes. Parliament was reduced, effectively, to a rubber stamp for executive decisions. The fundamental constitutional check that parliament is supposed to provide on executive power, through scrutiny, debate, and the possibility of votes against government measures, was eliminated in practice.

The CRC's proposal to reform Article 70 recommended that the anti-defection rule be retained for confidence votes and votes on the national budget, where parliamentary stability and the integrity of the government's mandate genuinely required party discipline, but that it be removed for all other legislative matters. This would restore meaningful parliamentary deliberation and the ability of individual members of parliament to vote according to their conscience or their constituents' interests on ordinary legislative questions, while preserving the structural stability that makes parliamentary government workable.

The July National Charter ultimately incorporated a version of this proposal, reflecting a broad consensus among participating political parties that Article 70 in its existing form was incompatible with genuine parliamentary democracy. The BNP supported the reform, with some reservations about the specific scope of the exceptions, and most other participating parties agreed that at minimum the freedom of members of parliament to vote independently on non-confidence matters was essential to the functioning of a genuinely democratic legislature.

22.5 Presidential Powers and the Question of Institutional Counterweights

The CRC's proposal to enhance the powers of the President represented one of the most controversial elements of its recommendations. Bangladesh under the 1972 constitution as amended is a parliamentary republic in which the President plays a largely ceremonial role: the real executive power is exercised by the Prime Minister. The Hasina period demonstrated, in the view of many constitutional analysts, the dangers of an unchecked prime ministerial power: a Prime Minister who controlled a large parliamentary majority and faced no effective institutional counterweight could gradually convert a formally democratic system into an effectively authoritarian one.

The CRC's proposals to enhance presidential power were aimed at creating such a counterweight. The specific proposals included giving the President a meaningful role in the appointment of the Chief Justice and other Supreme Court judges (currently the President makes these appointments on the advice of the Prime Minister), giving the President the power to return legislation to parliament for reconsideration (a suspensive veto that the parliament could override by a specified majority), and strengthening the President's role in the appointment of caretaker government officials.

These proposals drew on the comparative institutional literature, particularly the work of scholars who have analysed the role of presidential checks in parliamentary systems. In several Westminster-derived parliamentary systems, including those of Germany (through the Federal President), Italy (through the President of the Republic), and Ireland (through the President), presidents play a meaningful constitutional role as institutional checks on parliamentary majorities even in nominally parliamentary systems. The common thread in these systems is that the president has the power and the legitimacy to refer legislation to a constitutional court or to the electorate when the president has genuine concerns about its constitutional propriety, even if the president cannot themselves exercise executive power.

The objection to these proposals, voiced by a number of constitutional scholars and political parties, was that enhancing presidential powers risked creating a new form of institutional instability: a situation in which a directly elected or politically independent president could obstruct the parliamentary government's programme. This objection reflected the experience of several countries in which enhanced presidential powers had enabled the head of state to become a political actor in ways that complicated rather than stabilised democratic governance. The debate within the constitutional reform process about the appropriate scope of presidential powers ultimately reflected a fundamental tension in constitutional design theory between the need for institutional counterweights and the need for effective democratic governance.

CHAPTER TWENTY-THREE: THE BASIC STRUCTURE DOCTRINE IN BANGLADESH AND SOUTH ASIA: A JURISPRUDENTIAL ANALYSIS

23.1 The Origins and Development of the Doctrine

The basic structure doctrine is one of the most significant contributions of South Asian constitutional jurisprudence to the global canon of constitutional law. It holds that while

parliament or the constituent assembly can amend the constitution, there are certain fundamental features of the constitution, its basic structure, that cannot be abrogated or destroyed even by constitutional amendment. The doctrine thus represents a form of implicit or interpretive unamendability: constitutional provisions whose content cannot be changed even through the formal amendment procedure.

The doctrine's origins in the Indian constitutional context have been extensively analysed. Its most influential articulation was in the landmark case of *Kesavananda Bharati v State of Kerala*, decided by the Supreme Court of India in 1973. The case arose out of a challenge to the Twenty-Fourth and Twenty-Fifth Amendments to the Indian Constitution, which had sought to remove fundamental rights from the scope of judicial review in order to allow the parliament to implement land reform and socialist economic policies. The thirteen-judge bench divided 7-6 in favour of upholding the amendments in their specific application but articulating the principle that the constituent power of parliament did not extend to abrogating or destroying the basic structure of the constitution.

Justice Hans Raj Khanna's concurring opinion, which became the most cited and influential articulation of the doctrine, identified democracy, the rule of law, judicial review, the fundamental rights guaranteed in Part III of the constitution, and the federal character of the constitution as among the basic features that could not be destroyed by constitutional amendment. Subsequent Indian cases, including *Indira Gandhi v Raj Narain* (1975), *Minerva Mills v Union of India* (1980), and *SR Bommai v Union of India* (1994), elaborated and applied the doctrine across a range of constitutional contexts.

The philosophical foundations of the basic structure doctrine have been debated extensively. One approach, associated with the natural law tradition in jurisprudence, holds that the doctrine reflects the inherent moral limits of legislative power: certain fundamental rights and democratic principles are so essential to the legitimacy of any constitutional order that their elimination by legislative act would be morally equivalent to constitutional destruction rather than constitutional amendment. This approach draws on the distinction between ordinary law-making and constitutional founding, holding that the power to amend the constitution is a form of constituted power that cannot exceed the boundaries established by the constituent power of the founding moment.

A second approach, drawing on the positivist tradition associated with H.L.A. Hart and Hans Kelsen, holds that the basic structure doctrine reflects an implicit rule of recognition: a rule about which texts and procedures constitute valid constitutional norms. On this approach, the doctrine is not a natural law principle but a legal rule that courts have articulated through interpretation of the constitutional text and the political-moral commitments it embodies.

A third approach, associated with the republican constitutionalism of scholars such as Frank Michelman and Jed Rubenfeld, holds that the basic structure doctrine reflects the distinction between constitutional politics, the foundational decisions of a self-governing people about the basic structure of their political community, and ordinary politics, the day-to-day decisions made within the framework established by constitutional politics. The basic structure doctrine protects the former from being revised or destroyed by the latter.

Each of these philosophical approaches has implications for how the doctrine should be applied in specific cases and for the question of which features of a constitution qualify as basic. The natural law approach suggests that the basic structure consists of universally valid principles of political morality, the rule of law, democracy, and fundamental rights, that any legitimate constitution must embody. The positivist approach suggests that the basic structure is specific to each constitutional system and must be identified through careful interpretation of the particular constitutional text and tradition. The republican approach suggests that the basic structure consists of the foundational choices made by the people in constituting their political community, choices that cannot be reversed through ordinary political processes.

23.2 The Bangladeshi Development: From Anwar Hossain to Article 7B

The Supreme Court of Bangladesh adopted the basic structure doctrine in 1989 in the case of *Anwar Hossain Chowdhury v Bangladesh*. The case challenged the Eighth Amendment to the constitution, which had established permanent benches of the High Court in six regional cities, effectively reducing the original jurisdiction of the Dhaka High Court. A majority of the Appellate Division held that the amendment was unconstitutional as violating the basic structure of the constitution, identifying the unitary character of the Supreme Court and the independence of the judiciary as basic features that could not be altered by constitutional amendment.

The *Anwar Hossain* judgment was remarkable for its explicit adoption of the Indian *Kesavananda* doctrine and for the sophistication of its jurisprudential reasoning. Chief Justice Shahabuddin Ahmed's majority opinion identified several features of Bangladesh's constitution as belonging to the basic structure, including the democratic character of the state, the principle of separation of powers, the supremacy of the constitution, the independence of the judiciary, and the rule of law. The adoption of the basic structure doctrine by the Bangladeshi Supreme Court in 1989 made Bangladesh one of the earliest jurisdictions outside India to recognise this form of implicit constitutional entrenchment.

The development of the doctrine in Bangladesh took a distinctive turn in 2011 with the adoption of the Fifteenth Amendment to the constitution, which introduced Article 7B. This provision, which represents a unique development in global constitutional law, explicitly codified the basic structure doctrine in the constitutional text itself. Article 7B provides that certain specified articles of the constitution, as well as the "basic structure" of the constitution, cannot be amended by parliament. By incorporating the basic structure doctrine into the constitutional text, Bangladesh became, as the scholar Yaniv Roznai has observed, the only jurisdiction in the world to have converted a judge-made doctrine of implicit unamendability into an express constitutional rule.

The academic literature has debated whether this codification represented an improvement on or a departure from the judge-made doctrine. The argument in favour of codification is that it provides greater legal certainty and democratic legitimacy for the unamendability principle: the basic structure of the constitution is now protected by an explicit constitutional rule rather than a judicial interpretation that parliament might contest or attempt to override. The argument against codification is that it risks ossification: by specifying in the constitutional text which provisions belong to the basic structure, Article 7B limits the ability of courts to develop the doctrine

adaptively in response to new constitutional challenges, and the specific list of protected provisions may reflect the political interests of the party that enacted the Fifteenth Amendment rather than genuinely fundamental constitutional values.

This last point has been made with particular force in recent scholarship. The Fifteenth Amendment was enacted by the Awami League government in 2011, and critics have argued that the specific provisions designated as basic structure elements in Article 7B reflect Awami League constitutional preferences rather than genuinely non-partisan fundamental principles. In particular, the designation as basic structure of the provision that the names and legacies of the founding leaders of Bangladesh shall be protected suggests a degree of constitutional self-entrenchment, an attempt by the ruling party to use the constitutional amendment power to lock in provisions favourable to its own political identity.

23.3 The Post-2024 Jurisprudential Revolution: Asaduzzaman, the 15th Amendment, and the Siddiqui Review

The period from August 2024 onwards saw the most dramatic developments in Bangladeshi constitutional jurisprudence since the Anwar Hossain case of 1989. The Supreme Court, operating in the transformed political environment created by the July uprising, delivered a series of judgments that fundamentally altered the constitutional landscape and raised profound questions about the relationship between judicial power, constitutional legitimacy, and democratic transition.

The most significant of these developments concerned the constitutional status of the Fifteenth Amendment. The Fifteenth Amendment of 2011, enacted by the Awami League government, had made multiple controversial changes to the constitution, most notably abolishing the caretaker government system established by the Thirteenth Amendment of 1996. The constitutionality of the Fifteenth Amendment had been challenged in the courts, and in 2024 the High Court Division delivered a judgment declaring unconstitutional the provisions of the Fifteenth Amendment that had abolished the caretaker government system, finding that these provisions violated the basic structure of the constitution by eliminating an essential safeguard for democratic elections.

The Appellate Division's subsequent judgment in November 2025, delivered on the appeal from the High Court's decision, was one of the most consequential constitutional rulings in Bangladesh's history. The judgment, delivered unanimously, held that the Thirteenth Amendment provisions establishing the non-partisan caretaker government system were constitutional and that their abolition through the Fifteenth Amendment had violated the basic structure of the constitution. The Court restored the caretaker system as a constitutional norm, but in a move that generated considerable jurisprudential controversy, it applied the restoration only prospectively: the caretaker system was to take effect from the 14th national parliamentary election onwards, not for the 13th parliamentary election scheduled for February 2026.

This prospective application of a constitutional ruling represents a sophisticated but contested jurisprudential technique. The American constitutional tradition is familiar with the concept of prospective overruling: the practice of courts announcing a new constitutional rule while

applying the old rule to cases already in the pipeline, to avoid disrupting reliance interests that have built up under the previous rule. But the application of this technique to a case involving the fundamental democratic rights of a whole nation is more controversial than its application in commercial or property law contexts.

The theoretical justification offered for the prospective application in the caretaker government case appears to have been primarily practical: the February 2026 elections were imminent, and applying the caretaker system to that election on such short notice would have created organisational chaos. But critics argued that this was an example of what has been called "consequence-based constitutionalism" or "purposive constitutionalism" at the expense of legal principle: the Court was allowing its view of the practically desirable outcome to determine the constitutional ruling, rather than applying the constitutional principle consistently and allowing the political and administrative consequences to follow.

The Bangladesh Supreme Court's jurisprudence on the Asaduzzaman Siddiqui case, in which the Appellate Division issued a landmark review judgment in October 2024, added further complexity to the constitutional landscape. The case concerned the constitutional validity of an amendment that had sought to restore the 1972 constitution's provision allowing the parliament to impeach Supreme Court judges, a provision that had been struck down by the Court in an earlier ruling as violating the separation of powers. The Appellate Division's October 2024 review judgment introduced what one commentator has called "Abusive Originalism" as a concept of constitutional law: the idea that a constitutional amendment can be unconstitutional not despite the fact that it seeks to restore the original constitutional text, but precisely because of it, if the original provision would operate in the current constitutional context to undermine rather than protect fundamental constitutional values.

This concept has significant theoretical implications. It challenges the assumption, common in originalist constitutional theory, that restoring the original text of a founding document is inherently constitutionally preferable to contemporary modifications. The Bangladeshi Supreme Court's reasoning suggests instead that constitutional provisions acquire their meaning and their constitutional legitimacy from their relationship to the living constitutional order, and that provisions which were benign in the constitutional context of 1972 may become constitutional violations if restored in the different institutional context of 2024, specifically the context of an Article 70 that prevents members of parliament from voting independently against the party line.

23.4 The Basic Structure Doctrine in Comparative Perspective: Global Developments 2024-2026

The period 2024-2026 saw significant developments in the application of the basic structure doctrine internationally, and these developments provide comparative context for understanding the Bangladeshi experience.

The Supreme Court of Israel delivered, in January 2024, its landmark ruling on the constitutionality of the judicial reform legislation enacted by the Netanyahu government, which had sought to remove the "reasonableness doctrine" through which the courts had been able to scrutinise executive and parliamentary decisions. The Court, in a majority ruling, held that the

amendment was unconstitutional because it caused severe and unprecedented damage to the basic characteristics of Israel as a democratic state. This was the first time any Supreme Court had struck down a Basic Law (the Israeli equivalent of constitutional amendments), and the decision has been widely analysed as an application of something functionally equivalent to the basic structure doctrine to the Israeli legal system, despite Israel's lack of a written constitution.

In Colombia, the Constitutional Court continued to develop its doctrine of "substitution of the constitution," which holds that constitutional amendments can be unconstitutional if they replace a defining element of the constitution with something different. The Colombian doctrine, which has been applied in several major cases since its first articulation in 2003, is similar to but distinct from the Indian-Bangladeshi basic structure doctrine: it focuses on constitutional identity rather than constitutional fundamental features, asking whether an amendment replaces the constitution's defining character rather than whether it abrogates a specific feature designated as basic.

In Kenya, the Supreme Court's 2021 ruling on the Building Bridges Initiative, which held that the President could not initiate the constitutional amendment process (only parliament, citizens through a popular initiative, or county assemblies could do so), represented a further development of the constitutional limits on amendment power. The Court's reasoning drew on what it called the "eternity clause" principle even though Kenya's constitution does not contain explicit eternity clauses, holding instead that the constituent power of the founding constitutional moment could not be usurped by the ordinary amendment process.

These comparative developments illuminate several important aspects of the Bangladeshi situation. First, they confirm that the basic structure doctrine and its functional equivalents are now a global constitutional phenomenon, no longer confined to South Asia. Second, they demonstrate that the doctrine continues to develop and expand its scope, addressing new forms of constitutional manipulation including the use of constitutional amendments to undermine democratic institutions, judicial independence, and human rights. Third, they illustrate the centrality of the question of who has the authority to identify the basic structure, with courts consistently asserting their role as the final arbiters of constitutional identity even against the resistance of democratically elected parliaments.

23.5 The Fifteenth Amendment and Its Legacy: A Theoretical Assessment

A comprehensive assessment of the Fifteenth Amendment of 2011 and its constitutional legacy requires engaging with the complexity of its effects. The amendment was not simply bad or simply good; it made some changes that were constitutionally progressive and others that were constitutionally regressive.

Among the progressive elements of the Fifteenth Amendment was its restoration of the secular character of the state's founding principles, which had been removed by the Fifth Amendment of 1979. The restoration of secularism as a foundational principle of the Bangladeshi state, alongside the restoration of the language of the 1972 preamble's commitment to socialism, nationalism, and democracy, was consistent with the constitutional vision of the independence

movement and represented a genuine improvement on the constitutionally deformed text produced by military governments.

Among the regressive elements was precisely the provision that attracted the most attention in the post-2024 period: the abolition of the caretaker government system. As documented extensively in Part One of this textbook, the caretaker system had been one of the most important institutional innovations in Bangladesh's constitutional history, providing a structural guarantee that elections would be conducted by a politically neutral administration rather than by the incumbent government. Its abolition enabled the subsequent manipulation of the 2014, 2018, and 2024 elections by the Hasina government, and the Supreme Court's restoration of the system in 2025 represented a belated recognition of this fundamental constitutional error.

The lesson that constitutional theorists have drawn from this experience is one about the relationship between constitutional design and political power. Good constitutional design requires institutional arrangements that constrain all political actors equally, including the designers of those arrangements themselves. The Awami League designed the Fifteenth Amendment to serve its own political interests by removing the caretaker system that it had itself introduced in 1996, and in doing so it removed the institutional safeguard that would have constrained its own subsequent electoral manipulations. This is a classic example of what the constitutional theorist Tom Ginsburg has called "constitutional engineering without mechanical engineers": the attempt to design constitutional provisions for short-term political advantage without attending to the systemic effects of those provisions on the health of the constitutional order over the long term.

CHAPTER TWENTY-FOUR: THE SUPREME COURT IN THE TRANSITION: GUARDIAN, ACTOR, AND POLITICAL PARTICIPANT

24.1 The Judiciary's Constitutional Role in Transitional Periods

Democratic transitions place extraordinary demands on judicial institutions. In ordinary times, courts serve as interpreters and enforcers of the constitutional framework established by the founding political settlement. In transitional periods, courts are confronted with the far more demanding task of maintaining the rule of law during a constitutional rupture, when the normal mechanisms of democratic legitimacy are not fully functioning and when the constitutional framework itself is under reconstruction.

The comparative literature on transitional justice and constitutional courts identifies several roles that courts have played in democratic transitions. First, courts can serve as guardians of constitutional continuity, maintaining the legal framework that survived the transition and preventing the new authorities from exceeding the boundaries of their legitimate power. Second, courts can serve as legitimating institutions, providing constitutional validation for the new government's authority and for the specific measures it takes in pursuit of the reform agenda. Third, courts can serve as independent checkpoints, scrutinising the actions of the new

government and striking down measures that violate constitutional principles even when those measures are popular or politically expedient.

In Bangladesh's post-2024 transition, the Supreme Court was called upon to play all three of these roles simultaneously, and the tension between them generated significant jurisprudential complexity. The court's role as guardian of constitutional continuity required it to maintain the legal framework of the existing constitution, which meant continuing to apply constitutional provisions that many participants in the transition regarded as the constitutional debris of the authoritarian period. Its role as legitimating institution required it to provide constitutional validation for the interim government's authority and for its reform programme. Its role as independent checkpoint required it to strike down measures that exceeded constitutional boundaries, even when those measures were supported by the government and civil society.

The tension between these roles was most visible in the court's handling of the Fifteenth Amendment challenges. By striking down key provisions of the Fifteenth Amendment as violating the basic structure of the constitution, the court was acting simultaneously as guardian of constitutional continuity (applying the basic structure doctrine that had been part of the constitutional order since 1989), as legitimating institution (validating the reform agenda's aim of restoring electoral fairness), and as independent checkpoint (holding that even the Fifteenth Amendment's secularism provisions, if declared basic structure elements by Article 7B of that amendment itself, could not be used to insulate other provisions of the amendment from judicial review).

The philosophical question this raises is one of the most profound in constitutional theory: can a court legitimately exercise constituent power, power to shape the foundational rules of the constitutional order, in the course of exercising its constituted power of constitutional interpretation? The constitutional theorist Ran Hirschl, whose work on juristocracy has been influential in the global constitutional literature, has argued that the expansion of judicial power into the domain of fundamental constitutional choices represents an illegitimate usurpation of democratic self-governance. On this view, the determination of what belongs to the basic structure of the constitution, and hence which constitutional provisions are unamendable, is a political choice that should be made by the democratic polity, not by unelected judges.

The counter-argument, articulated most powerfully by Ronald Dworkin in his jurisprudential philosophy and by Jed Rubenfeld in his republican constitutionalism, holds that the protection of fundamental constitutional principles from majoritarian override is precisely what makes constitutional government possible. Democratic majorities can and do violate the rights of minorities, the independence of the judiciary, and the fundamental procedures of democratic self-governance. Courts, as the custodians of these fundamental principles, have both the authority and the obligation to protect them even against democratic majorities. The alternative, the Dworkinian argument concludes, is not democracy but tyranny of the majority.

Bangladesh's constitutional jurisprudence of 2024-2026 illustrates both sides of this debate with unusual clarity. The Supreme Court's restoration of the caretaker system, its invalidation of the parliamentary impeachment provision, and its articulation of the Abusive Originalism concept represent exercises of judicial power that most observers regard as having produced

constitutionally and democratically beneficial outcomes. At the same time, the court's prospective application of the caretaker restoration, its selective invalidation of Fifteenth Amendment provisions, and its engagement with the reform commission process all raise legitimate questions about the proper limits of judicial authority in a transitional constitutional context.

24.2 The Politics of Judicial Appointment Under Authoritarian Rule and After

The Supreme Court of Bangladesh's ability to play the roles assigned to it in the transition was significantly complicated by the legacy of judicial appointments under the Hasina government. One of the most systematic features of the Awami League government's consolidation of power was the appointment of judges who were loyal to the ruling party, a practice that effectively converted the Supreme Court from an independent constitutional check into an instrument of executive control.

The mechanics of judicial capture in Bangladesh under the Hasina period followed a pattern identified in the comparative literature on democratic backsliding. The government used its constitutional power to make Supreme Court appointments to gradually reshape the composition of the bench, appointing judges who were known for their political sympathies with the ruling party. Senior judges who delivered rulings unfavourable to the government were transferred, forced into early retirement, or subjected to various forms of pressure. The result was a Supreme Court that, by the later years of the Hasina period, was widely regarded as politically compliant, delivering rulings that validated the government's constitutional manipulations rather than checking them.

The reform of judicial appointments was therefore one of the most urgent items on the constitutional reform agenda, and it was addressed both in the CRC's proposals and in the subsequent constitutional reform process. The challenge, however, was that reforming the appointment process for future judges did not immediately resolve the problem of a bench whose composition reflected the appointment decisions of a previous government. In the immediate aftermath of the uprising, several judges who were regarded as having been particularly complicit in the previous regime's constitutional manipulations resigned or were pressured to resign, but the broader problem of a judiciary whose independence had been compromised by years of politicised appointments could not be resolved quickly.

The theoretical framework for understanding judicial independence developed by international bodies, particularly the Venice Commission's Guidelines on Judicial Independence and the UN Basic Principles on the Independence of the Judiciary, provides the analytical vocabulary for assessing both the problems of the Hasina period and the reforms needed to address them. These principles identify structural independence (the institutional design of appointment, tenure, and remuneration systems), functional independence (freedom from external pressure in the exercise of judicial functions), and internal independence (freedom from hierarchical pressure within the judicial system) as the three key dimensions of judicial independence that constitutional systems must protect.

24.3 Judicial Review of the Interim Government's Measures

The Supreme Court's role in reviewing the interim government's specific legislative and executive measures raised further complex questions about the limits of judicial authority in a transitional context. The interim government, operating without a parliamentary mandate, enacted a large number of ordinances and administrative orders that affected fundamental rights and interests. Several of these measures were challenged in the courts, giving the judiciary a critical role in defining the boundaries of the interim government's powers.

The most significant legal challenges concerned the government's measures against perceived allies of the previous regime: the prosecution of Awami League officials and their associates for crimes allegedly committed during the period of authoritarian governance, the freezing of assets, the cancellation of licences and permits granted during the Hasina period, and the exclusion of the Awami League from the constitutional referendum and electoral processes. Critics argued that some of these measures violated due process rights, that the prosecutions were politically motivated rather than genuinely evidence-based, and that the exclusion of a major political party from the democratic process violated fundamental principles of political pluralism.

These challenges placed the courts in the position of arbiters between the competing demands of transitional justice and ordinary constitutional rights. Transitional justice theory, developed in the context of post-authoritarian transitions in Latin America, Eastern Europe, and Africa, recognises that ordinary legal frameworks may be inadequate to address the systematic human rights violations of authoritarian regimes, and that special measures are sometimes necessary to hold perpetrators accountable and to prevent them from obstructing the transition to democracy. But transitional justice measures must themselves be constrained by constitutional principles of due process, equality, and the rule of law if the transition is to be genuinely democratic rather than a mere replacement of one form of arbitrary power with another.

The tension between these considerations was never fully resolved in the Bangladeshi transitional period. The courts generally declined to strike down the interim government's more politically sensitive measures, but this restraint itself became a subject of controversy, with critics arguing that the courts were, in effect, acting as facilitators of the new government's consolidation of power rather than as independent constitutional checkpoints.

CHAPTER TWENTY-FIVE: THE NATIONAL CONSENSUS COMMISSION AND THE POLITICS OF CONSTITUTIONAL DESIGN

25.1 From Expert Proposals to Political Agreement: The Role of the NCC

The translation of the Constitutional Reform Commission's expert proposals into a politically negotiated constitutional framework required an additional institutional mechanism. This was provided by the National Consensus Commission (NCC), established in February 2025 and chaired by Chief Adviser Yunus himself with Ali Riaz as vice-chair. The NCC's mandate was to convene structured deliberations among political parties and other stakeholders to develop a consensus around the reform proposals and to produce a document that could serve as the basis for the constitutional referendum.

The NCC represented an attempt to apply the principles of deliberative constitutional design, the idea that constitutional provisions derive their legitimacy from the quality of the process through which they are developed, to the specific conditions of a post-authoritarian Bangladesh. The deliberative democracy tradition, associated primarily with Habermas but developed by many others, holds that legitimate constitutional decisions are those that emerge from a process in which all affected parties have an equal opportunity to participate, in which reasons are offered and critically evaluated, and in which outcomes are determined by the force of the better argument rather than by raw power or self-interest.

The NCC's process fell significantly short of the idealised Habermasian model in several respects. Most significantly, the Awami League, the party that had governed Bangladesh for the previous fifteen years and that represented the political preferences of a substantial portion of the electorate, was effectively excluded from the constitutional negotiations. Its exclusion was justified on the grounds that the party was facing criminal prosecutions for the violence committed during the uprising and that its leadership was in exile or under arrest. But the principled objection to this exclusion was that it meant the constitutional framework was being designed in the absence of one of the two major parties that had historically competed for power in Bangladesh, and that a constitutional settlement reached without the participation of a major political force was vulnerable to being challenged or reversed when that force returned to the political stage.

The July National Charter, ultimately signed by 25 political parties on October 17, 2025, was therefore a document of broad but not universal political consensus. Its 84 reform proposals, including 48 constitutional amendments, addressed the full range of institutional concerns identified by the reform commissions but reflected the particular political orientations of the parties that participated in the negotiation. The National Citizens Party (NCP), which was arguably the most direct institutional expression of the July uprising, had not signed the Charter by the time it was formally adopted, creating an irony that was not lost on observers: the constitutional document that invoked the "sovereign will of the people expressed through the July uprising" had not been endorsed by the party that represented the July uprising's own political organisation.

25.2 The Bicameralism Debate: Proportional Representation and Democratic Theory

Among the most significant and contested provisions of the July National Charter was the proposal to introduce a bicameral legislature with an upper house of 100 members selected on the basis of proportional representation. This proposal, which appeared in the initial reform commission recommendations and was carried through to the final charter, represented the most substantial structural change to Bangladesh's parliamentary system since independence.

The theoretical case for proportional representation in the upper house drew on the extensive literature on electoral systems and democratic representation. The first-past-the-post system used for the lower house consistently produces parliamentary majorities substantially larger than the underlying vote shares of the winning party, a distortion that was particularly stark in the 2008 elections when the Awami League won 263 of 300 seats with approximately 49 percent of the vote. A proportionally representative upper house would ensure that parties whose support was

geographically dispersed rather than concentrated could achieve parliamentary representation commensurate with their national vote share.

The political theory of representation underlying this argument draws on Hannah Pitkin's classic distinction between different conceptions of representation in her 1967 work "The Concept of Representation." Pitkin distinguished between descriptive representation (the legislature should look like the population it represents), substantive representation (the legislature should act in the interests of the population it represents), and symbolic representation (the legislature should embody the values and ideals of the political community). The proportional representation argument primarily engages Pitkin's descriptive and substantive conceptions: a proportionally representative chamber is more accurately descriptive of the political diversity of the population and more likely to produce policy outcomes that reflect the full range of interests represented in that population.

The objections to the proportional representation proposal came from multiple directions. Parties that expected to win large pluralities under the existing first-past-the-post system had obvious self-interested reasons to oppose a change that would reduce their parliamentary dominance. The BNP, which subsequently won the February 2026 elections with a decisive supermajority, was ambivalent about proportional representation for precisely this reason: a system that more accurately reflected vote shares would have given it fewer seats relative to its actual vote share, though it would also have constrained the ability of future governments, including potential future Awami League governments, to achieve the same kind of parliamentary dominance.

The principled constitutional objection to proportional representation was articulated by scholars who argued that the proposal undervalued the importance of geographic representation in a parliamentary democracy. The first-past-the-post system, for all its distortions of national vote shares, creates direct accountability between members of parliament and their geographic constituencies: each MP represents a defined group of citizens who can hold the MP accountable for their specific performance in office. Proportional representation lists, by contrast, create accountability primarily to party leadership rather than to any specific group of citizens.

25.3 Term Limits, Anti-Dynasty Provisions, and the Problem of Personalised Politics

The July Charter's proposal for prime ministerial term limits reflected a broader concern, shared across most participating political parties, with the problem of personalised or dynastic politics in Bangladesh. The two dominant parties, the Awami League and the BNP, had both been led for decades by the daughters or widows of founding political figures: Sheikh Hasina was the daughter of Sheikh Mujibur Rahman, and Khaleda Zia was the widow of Ziaur Rahman. This dynastic character of Bangladeshi political leadership was widely regarded as one of the structural pathologies of the country's political system, creating a politics of personal loyalty to a family brand rather than substantive policy competition.

The July Charter's term limit proposal addressed the most immediate manifestation of this problem: preventing any individual from serving as Prime Minister for more than ten years in total. But it did not directly address the dynastic structure of the political parties themselves,

leaving open the possibility that a former Prime Minister's child, sibling, or spouse could succeed them in the prime ministership and continue the same pattern of personalised party politics.

More ambitious anti-dynasty proposals were discussed in the reform commission process, including proposals that would have prohibited close family members of serving or former prime ministers from holding the office themselves, or that would have imposed requirements on political parties to demonstrate internal democratic processes for leadership selection. These proposals ultimately did not make it into the final charter, partly because they were seen as too intrusive into the internal affairs of political parties and partly because they raised genuine constitutional questions about equality of political participation.

The theoretical question of whether anti-dynasty provisions are compatible with democratic principles has been debated in the comparative constitutional literature. In India, there has been extensive debate about whether the dominance of dynastic politics within the Congress Party and other national parties represents a structural problem for Indian democracy, and what if any constitutional mechanisms might address it. The Indian electoral commission's requirements for intraparty democracy, which require parties to hold regular internal elections for leadership positions, represent one approach to this problem. The question of whether judicial review of intraparty democracy processes is appropriate remains contested.

25.4 The Women's Representation Proposals and Gender Justice

The July Charter's proposals on women's representation represented one of its most significant innovations. Bangladesh's existing constitution reserves 50 seats in the parliament for women, allocated to parties on the basis of their proportional representation in the directly elected seats. But this system has been widely criticised: the reserved seats are allocated by party leadership rather than directly elected by constituents, meaning that women occupy a subordinate position in the parliamentary system rather than genuine representational parity with male members.

The CRC's proposals and the July Charter's provisions addressed this problem through several mechanisms. First, the charter proposed increasing the number of reserved seats for women and changing the allocation method so that they were distributed in proportion to each party's overall vote share rather than its seat share, ensuring a somewhat different distribution of reserved seats between large and smaller parties. Second, and more ambitiously, the charter proposed a long-term commitment to achieving genuine gender parity in parliamentary representation, setting targets for the proportion of women in directly elected seats and requiring parties to nominate women in a specified proportion of constituencies in national elections.

The constitutional theory underlying these proposals draws on the extensive feminist jurisprudence on gender justice and representation. Iris Marion Young's critique of conventional liberal political theory, developed in her 1990 work "Justice and the Politics of Difference," argues that formal equality of individual rights is insufficient to achieve genuine gender justice: what is needed is structural accommodation of the specific social position and political marginalisation of women as a social group. The guaranteed representation mechanisms proposed in the July Charter can be understood as an application of this group-differentiated approach to political representation to the specific context of Bangladesh's parliamentary system.

The implementation of gender parity measures in parliamentary systems has been studied extensively in the comparative political science literature. Comparative evidence strongly supports the conclusion that mandatory gender quotas, whether through reserved seats or nomination requirements, significantly increase the representation of women in parliament, and that higher levels of women's parliamentary representation are associated with better policy outcomes on gender-related issues including education, health, and protection from violence. The theoretical and empirical case for the July Charter's gender representation proposals was therefore strong, and they attracted broad political consensus among participating parties.

CHAPTER TWENTY-SIX: THE REFERENDUM OF FEBRUARY 2026: DESIGN, CONDUCT, AND LEGITIMACY

26.1 The Constitutional Architecture of the Referendum: Dual Ballots and Democratic Theory

The decision to hold the constitutional referendum simultaneously with the parliamentary election on February 12, 2026, was one of the most consequential institutional design choices of the entire transitional period. The simultaneous ballot, one white paper for parliamentary representation and one pink paper for constitutional approval, was unprecedented in Bangladesh's constitutional history and raised fundamental questions about referendum design and the requirements of democratic legitimacy.

The theoretical literature on referendum design identifies several key variables that affect the quality of democratic decision-making in direct democracy processes. These include: the scope and framing of the question submitted to voters; the information environment in which voters make their choices; the threshold requirements for approval; the relationship between the referendum outcome and subsequent constitutional implementation; and the identity of the actors authorised to call, design, and implement referendums.

The Bangladesh referendum of February 2026 performed poorly on several of these criteria. The question submitted to voters was a bundled question: it asked voters to approve or reject the entire July Charter and the Implementation Order as a single package, without the ability to vote yes on some proposals and no on others. The charter contained 84 reform proposals, including 48 constitutional amendments, addressing subjects as diverse as term limits, judicial independence, women's representation, linguistic rights, administrative divisions, and the structure of the upper house. The assumption that all voters who approved of, for example, prime ministerial term limits also approved of the proposed method for calculating upper house representation, or vice versa, was empirically implausible.

The comparative referendum literature identifies the problem of bundled referendums as one of the most significant sources of democratic distortion in direct democracy processes. When voters are required to approve or reject a package of proposals as a single question, the outcome reflects neither clear approval nor clear rejection of any specific proposal: a yes vote means the voter approved of the overall package sufficiently to vote yes, not that the voter approved of every

element of the package. The government of a post-referendum country that won a bundled yes vote therefore faces genuine uncertainty about which specific elements of the package have popular legitimacy.

The Constitutional scholar Sara Hossain, writing in March 2026, captured this problem precisely in her analysis for [ConstitutionNet](#): the ambiguously framed questions left unclear which of the July Charter's proposals were actually approved and what binding force they carried. The referendum had passed, with 68.59 percent of valid votes backing "Yes" on a turnout a little above 60 percent [The Daily Star](#), but the mandate conferred by that result was genuinely ambiguous.

26.2 The Information Environment and the Government's Campaign

The conduct of the referendum campaign raised additional concerns about the quality of democratic deliberation through which the yes vote was obtained. The interim government invested heavily in advocacy for the yes vote, allocating over 1.4 billion taka for a media campaign despite questions over the legitimacy of this role and a belated clarification from the Election Commission that government officials could not urge citizens to support either side [ConstitutionNet](#).

This governmental campaign in favour of a yes vote represents a serious problem from the deliberative democratic theory perspective. Habermasian deliberative democracy requires that the process of political communication be free from systemic distortions created by the unequal distribution of communicative power: all participants must have an equal opportunity to present their arguments and to receive a fair hearing. When a government uses its control of the information environment, including state media, public buildings, and publicly funded communications channels, to promote one side of a constitutional referendum, it distorts the deliberative process in ways that compromise the legitimacy of the resulting vote.

The specific communications employed in the government's campaign were particularly problematic from a deliberative democracy perspective. The messages were selective and, in some cases, reduced to statements such as that repeated by one Interim Government Adviser that only "collaborators of fascism" would vote "no" in the referendum. [ConstitutionNet](#) The characterisation of opposition to specific constitutional proposals as collaboration with fascism was not a contribution to reasoned democratic deliberation but a form of what the political philosopher Philip Pettit would call domination through discourse: the use of political communication to close down rather than open up the space for genuine deliberation.

This is a paradox that haunts many post-authoritarian constitutional transitions. The government that comes to power in the aftermath of authoritarian rule often carries the moral authority of having opposed the previous regime, and it can use that moral authority to delegitimise opposition to its own reform programme. But the exercise of this moral authority in ways that silence genuine political disagreement reproduces, in a subtler form, the same silencing of dissent that characterised the authoritarian system being replaced.

26.3 Constitutional Validity: The Legal Tensions in the Implementation Order

The Implementation Order of the July National Charter, issued by the President on November 13, 2025, was itself a legally controversial document. Critics argued that the proposed referendum strained Bangladesh's constitutional framework to its limits by colliding with Articles 7 and 7B, and the amendment scheme in Part X of the Constitution. [The Diplomat](#)

The specific legal tensions were substantial. Article 7 of the constitution provides that the constitution is the supreme law of Bangladesh and that any act inconsistent with the constitution shall be void. Article 7B provides that the basic structure of the constitution cannot be amended. The Implementation Order, which invoked as its authority the "sovereign will of the people expressed through the July-August 2024 student-people's uprising" rather than any provision of the constitution, was arguably in tension with Article 7's requirement that all exercises of governmental power be grounded in constitutional authority.

More specifically, the Implementation Order's provision that a successful yes vote would transform the elected parliament into a Constitutional Reform Council, empowered to amend the constitution within 180 working days, raised the question of whether this arrangement was consistent with the basic structure doctrine. Orthodox constitutionalism provides that Parliament's authority is derived from and limited by the existing Constitution. By pre-determining the substance and process of reform, the Implementation Order subordinates Parliament to an executive instrument, making the CRC constitutionally circular: it authorises itself. [The Diplomat](#)

The circularity problem identified here is a genuinely profound constitutional difficulty. The Implementation Order was issued by an interim government that derived its authority from the political fact of the uprising rather than from the existing constitution. The Order then purported to authorise a referendum that, if successful, would authorise a parliament to amend the constitution in specified ways. But the authorisation of the referendum came from the Implementation Order, which was itself legally dubious, making the whole chain of authorisation constitutionally fragile.

This constitutional fragility was not merely a technical legal problem. It had practical implications for the sustainability of the constitutional changes that would follow from a yes vote. Bangladesh is trying to "implement" constitutional changes while the constitution's recent past is still being litigated. [The Daily Star](#) If courts ultimately ruled that the Implementation Order exceeded the interim government's constitutional powers, or that the bundled referendum question did not constitute a genuine popular mandate for specific constitutional changes, the entire reform edifice built on that referendum would be constitutionally vulnerable.

26.4 The Election Results and the Constitutional Implications of BNP's Supermajority

The parliamentary election of February 12, 2026 produced a decisive outcome: the Bangladesh National Party secured a two-thirds supermajority and 61% of voters endorsed the reform package. [ConstitutionNet](#) The BNP's decisive return to power for the first time in seventeen years transformed the political landscape and created both opportunities and challenges for the constitutional reform agenda.

The constitutional significance of a supermajority deserves detailed analysis. A two-thirds parliamentary majority gives the BNP the ability to amend the constitution without the need for any coalition partner or any votes from the smaller parties. This means that the BNP government will have, in formal constitutional terms, virtually unlimited power to reshape the constitutional framework: it can amend the constitution to implement the July Charter's proposals, but it can equally amend it in ways that the charter did not contemplate or that contradict the charter's commitments.

This situation illustrates one of the fundamental paradoxes of constitutional reform in democratic systems: the institutions needed to implement constitutional reform are the same institutions that, once in power, have the incentive and the ability to manipulate the constitutional framework for their own partisan advantage. The July Charter, precisely because it was designed under conditions of transitional uncertainty, contained commitments that the newly elected BNP government might feel free to interpret, modify, or simply ignore once it had secured its own democratic mandate.

The constitutional theorist Adam Przeworski's analysis of democratic consolidation is relevant here. Przeworski argues that democracy is consolidated when all relevant political actors accept it as "the only game in town," meaning they accept the rules of democratic competition and commit to seeking their political goals through those rules rather than by disrupting them. The test of whether Bangladesh's constitutional transition has been genuinely consolidated will come when the BNP government faces the choice between implementing the charter's commitments to constrain executive power, which would constrain its own power, and using its supermajority to resist or reverse those constraints.

The structural reforms proposed in the July Charter, and specifically the provisions designed to prevent a parliamentary supermajority from being used to demolish democratic institutions, as the Awami League's parliamentary supermajority had been used after 2011, would need to be implemented quickly and robustly if they were to constrain future governments effectively. A party that enjoys a decisive parliamentary majority can cite constitutional purity today and dilute reforms tomorrow. BNP says it remains committed to implementing the July charter. But a referendum "Yes" vote was, at minimum, a demand for constraints on the executive and for institutional guardrails. To treat that demand as optional parliamentary discretion is to turn popular consent into a blank cheque for the next supermajority. [The Daily Star](#)

CHAPTER TWENTY-SEVEN: LEGITIMACY THEORY AND BANGLADESH'S CONSTITUTIONAL TRANSITION: A PHILOSOPHICAL AND JURISPRUDENTIAL ANALYSIS

27.1 The Multiple Dimensions of Constitutional Legitimacy

Constitutional legitimacy is a concept with multiple dimensions, and the failure to distinguish between these dimensions has generated much of the confusion in both political debate and scholarly analysis about Bangladesh's constitutional transition. A constitutionally legitimate

government or constitutional order must satisfy several different conditions, and satisfying some of these conditions does not necessarily entail satisfying others.

The first dimension is what political philosophers call procedural legitimacy: the procedures through which the constitutional order was established and through which decisions are made within it must conform to accepted standards of fairness, participation, and deliberation. A constitutional order lacks procedural legitimacy if it was established through coercion, fraud, or the exclusion of relevant groups from participation in the constitutional founding process.

The second dimension is substantive legitimacy: the constitutional order must embody and protect values that are genuinely important from the standpoint of political morality. A constitutional order that formally complied with all procedural requirements but whose substance consisted of the systematic violation of fundamental human rights would lack substantive legitimacy. This dimension of legitimacy is associated primarily with the natural law tradition in jurisprudence and with the liberal political philosophy of figures such as John Rawls and Ronald Dworkin.

The third dimension is sociological or empirical legitimacy: the constitutional order must be accepted as legitimate by those subject to it, whether out of conviction in its rightness or out of a pragmatic assessment of the alternatives. This Weberian dimension of legitimacy, associated with Max Weber's analysis of the bases of political authority, is important because a constitutional order that lacks sociological legitimacy cannot generate the voluntary compliance that makes it effective.

Bangladesh's constitutional transition of 2024-2026 displayed a complex pattern when assessed across these three dimensions. Its procedural legitimacy was strongest in relation to the referendum of February 2026, which involved genuine popular participation, and weakest in relation to the exclusion of the Awami League from the constitutional negotiations and electoral process. Its substantive legitimacy was strongest in relation to the specific reform proposals, which broadly conformed to international standards of democratic governance and human rights, and weakest in relation to some of the transitional justice measures that were applied without adequate procedural safeguards. Its sociological legitimacy was demonstrated by the high turnout in the February 2026 elections and the majority yes vote in the referendum, though the specific validity of that referendum result remained contested.

27.2 Revolutionary Legitimacy Versus Constitutional Legitimacy: Navigating the Tension

The most fundamental legitimacy tension in Bangladesh's constitutional transition was between what might be called revolutionary legitimacy, the legitimacy derived from the fact of the July uprising and the popular rejection of the Hasina government's authoritarianism, and constitutional legitimacy, the legitimacy derived from compliance with the existing constitutional framework.

The July Charter's Implementation Order made explicit use of revolutionary legitimacy, invoking the "sovereign will of the people expressed through the July-August 2024 student-people's uprising" as the foundation of its authority. This invocation represented a claim that the uprising

had generated a form of constituent power that was prior to and independent of the existing constitution, and that this constituent power provided sufficient legitimacy for the constitutional reform programme even in the absence of express constitutional authorisation.

This claim draws on a long tradition in revolutionary constitutional theory. From Sieyes' theory of the constituent power through Hannah Arendt's analysis of political founding to the contemporary work of scholars such as Yaniv Roznai and Andrew Arato on constituent power and constitutional revolution, the idea that genuine popular uprisings can generate constitutional authority that transcends the existing constitutional framework has been one of the most persistent themes in constitutional theory.

The opposing view, represented in the Bangladeshi context by critics who argued that the Implementation Order violated Articles 7 and 7B of the constitution, holds that constitutional legitimacy cannot be generated by political fact alone, however spectacular or morally admirable. A constitutional order that allows governments to invoke popular uprising as the justification for bypassing constitutional constraints provides no reliable protection against future uses of the same argument by less admirable governments. The value of constitutional constraints, on this view, lies precisely in their resistance to popular will when popular will, manipulated or otherwise, demands something incompatible with fundamental constitutional principles.

Andrew Arato's sophisticated analysis of post-sovereign constitution-making, developed in his 2016 work "Post Sovereign Constitution Making," provides a useful framework for navigating this tension. Arato argues that the best post-authoritarian constitutions are those made through processes that avoid the extremes both of unlimited revolutionary constituent power and of rigid insistence on constitutional continuity. The former risks creating constitutions that lack legal stability and that can be manipulated by whoever controls the revolutionary narrative. The latter risks creating constitutions that are unable to break from the constitutional debris of the authoritarian past. The best processes, in Arato's analysis, combine a degree of constitutional continuity, maintaining some elements of the existing constitutional framework, with a genuine participatory process that gives the new constitution democratic foundations independent of the revolutionary moment.

Bangladesh's constitutional process of 2024-2026 can be assessed against Arato's framework. On the constitutional continuity dimension, the process maintained significant elements of the 1972 constitutional framework: the July Charter proposed amendments rather than replacement of the existing constitution, and the Implementation Order was issued by a President whose authority was grounded in the existing constitutional framework even if the specific provisions authorising the Implementation Order were debatable. On the participatory dimension, the NCC's extensive consultations with 33 political parties, the public debates around the July Charter, and the ultimate popular ratification through a referendum with 60 percent turnout all represented genuine attempts to build democratic foundations for the constitutional reform programme. The principal weakness from Arato's perspective was the exclusion of the Awami League from the participatory process, which meant that the constitutional settlement was reached without the genuine participation of a major political force.

27.3 The Concept of Democratic Legitimation and Its Application to Transitional Bangladesh

The German social theorist Juergen Habermas's theory of communicative rationality and democratic legitimation provides a theoretical framework for assessing the quality of Bangladesh's constitutional transition that goes beyond the simple dichotomy between revolutionary and constitutional legitimacy. Habermas argues that the legitimacy of political decisions derives from the quality of the communicative process through which they are reached: decisions are legitimate when they result from a process of unconstrained rational discourse in which all affected parties can participate equally and in which the force of the better argument rather than power determines outcomes.

Translated into constitutional design theory, the Habermasian standard requires that constitutional provisions be the product of inclusive, reasoned deliberation rather than of power politics or expert decree. The July Charter process, assessed against this standard, presents a mixed picture. The NCC's consultation process was extensive and included a wide range of political parties and perspectives. The reform commissions produced detailed, evidence-based proposals that drew on international comparative experience. The public debate around the July Charter, particularly in the lively media environment of post-revolution Bangladesh, reflected genuine engagement with the substantive issues.

At the same time, several features of the process fell short of the Habermasian deliberative ideal. The exclusion of the Awami League meant that one of the most significant political voices in Bangladesh was absent from the deliberation. The government's use of its media and communications power to promote the yes vote in the referendum skewed the information environment in ways that compromised the quality of democratic deliberation. The bundled referendum question prevented voters from exercising the kind of differentiated judgment on specific proposals that genuine deliberative democracy requires.

The philosopher Seyla Benhabib's development of the deliberative democratic tradition in her work "The Claims of Culture" (2002) adds a further dimension to this analysis: the inclusion of cultural and religious diversity in constitutional deliberation. Benhabib argues that genuinely democratic constitutions must be developed through processes that recognise and accommodate the diverse cultural and religious identities of the polity, rather than imposing a culturally specific model of democratic citizenship. In the Bangladesh context, this requires that the constitutional reform process adequately accommodate both the secular democratic tradition and the Islamic republican tradition, and that the resulting constitutional framework be one in which citizens of diverse cultural and religious backgrounds can participate as equals.

Mahfuj Alam's specific contribution to this dimension of the constitutional debate was significant. His insistence, in public statements and policy advocacy, that Bangladesh's constitutional order must accommodate religious identity within a pluralist framework rather than treating secularism as a requirement that religious identity be suppressed from the public sphere, represented exactly the kind of synthesis between democratic constitutional theory and Islamic political philosophy that Benhabib's framework suggests is necessary for genuinely inclusive constitutional design.

27.4 Legitimacy, Effectiveness, and the Long-Term Sustainability of Constitutional Change

The final dimension of legitimacy theory that deserves analysis in the context of Bangladesh's constitutional transition is what might be called effectiveness legitimacy: the idea that a constitutional order builds legitimacy over time by demonstrating its capacity to deliver the goods of good governance, including security, welfare, and justice, that citizens expect from their political institutions.

This concept draws on the sociological legitimacy tradition, particularly on Seymour Martin Lipset's classic analysis of political legitimacy in his 1959 paper "Some Social Requisites of Democracy," and on more recent work by scholars such as Robert Dahl and Larry Diamond on the conditions for democratic consolidation. These scholars have shown that democratic institutions build legitimacy through effective performance: democracies that deliver economic growth, security, and responsive governance build popular support that sustains them through political challenges, while democracies that fail to deliver these goods are vulnerable to authoritarian reversals.

For Bangladesh's constitutional transition, this means that the legitimacy of the new constitutional order will ultimately depend not only on the procedural quality of the constitutional reform process or the substantive content of the July Charter's proposals, but on whether the constitutional framework that emerges from the transition actually produces better governance outcomes than the system it replaced. The test is not whether the constitutional text is more democratic but whether democratic governance actually improves the lives of ordinary Bangladeshis.

This is a demanding standard, and it is one that Bangladesh's new constitutional framework faces significant challenges in meeting. The structural problems that inhibited effective governance under previous administrations, including corruption, weak public institutions, poor public service delivery, and the political economy of patron-client relationships, are not resolved simply by constitutional amendment. They require sustained institutional reform over many years, a reform project that goes well beyond the constitutional text.

CHAPTER TWENTY-EIGHT: MAHFUJ ALAM AND THE CONSTITUTIONAL VISION: FROM UPRISING TO ARCHITECTURE

28.1 Alam's Constitutional Philosophy: Sources and Development

To understand Mahfuj Alam's contribution to the constitutional reform debate, one must examine the intellectual sources of his constitutional philosophy and the ways in which that philosophy was shaped by his distinctive biographical trajectory. As Part One of this textbook examined in detail, Alam brought to political life a formation that combined Islamic jurisprudential traditions, secular constitutional education at the University of Dhaka's Department of Law, and the practical experience of student political organisation. This combination produced a constitutional

philosophy that was simultaneously rooted in multiple intellectual traditions and responsive to the specific realities of Bangladesh's constitutional situation.

The Islamic dimension of Alam's constitutional thinking manifests most clearly in his commitment to what might be called the constitutional accountability of power. The Islamic jurisprudential tradition, through the concepts of shura (consultation), maslaha (public interest), and hisba (accountability), has developed sophisticated frameworks for thinking about the conditions under which political authority is legitimate and the mechanisms through which rulers can be held accountable for the exercise of that authority. These frameworks were not merely background influences on Alam's thinking but active conceptual resources that he brought to bear on specific constitutional questions.

In particular, the Islamic jurisprudential emphasis on shura as a norm of governance provided Alam with a vocabulary for discussing the requirements of participatory and consultative constitutional design that was both intellectually rigorous and culturally resonant with a large part of Bangladesh's population. When he argued, as he did consistently in public statements, that the constitutional reform process must be genuinely inclusive and that the constitution must reflect the values and aspirations of all communities in Bangladesh, he was drawing simultaneously on the liberal democratic tradition of participatory constitutional design and the Islamic republican tradition of shura-based governance.

The secular constitutional dimension of Alam's thinking manifested in his commitment to rights-based constitutional frameworks, judicial independence, press freedom, and the rule of law as non-negotiable foundations of legitimate governance. His legal education had given him both the technical vocabulary to engage with these frameworks at a sophisticated level and the practical understanding of how constitutional provisions work (or fail to work) in the hands of courts, lawyers, and litigants. His insistence, in the context of media reform, that specific legislative provisions matter and that constitutional commitments without enabling legislation are empty promises reflected a legal realist understanding of constitutional practice that complemented his more philosophical commitments.

The practical political dimension of Alam's constitutional thinking manifested in his awareness of the constraints that political realities imposed on constitutional reform, and his willingness to accept partial and incremental change rather than insisting on comprehensive transformation. The contrast with the more utopian dimensions of some student movement rhetoric was significant: while some participants in the July uprising spoke of founding a completely new political order, Alam consistently emphasised the importance of institutional reform, constitutional amendment, and legal change as the mechanisms through which genuine transformation would occur.

28.2 Alam's Specific Contributions to the Constitutional Reform Debate

Alam's specific contributions to the constitutional reform debate spanned several dimensions. In his capacity as Adviser for Information and Broadcasting, he made a number of public statements about the constitutional dimensions of media freedom and press regulation that engaged directly with the broader constitutional reform agenda.

On the question of press freedom as a constitutional right, Alam consistently argued for an expansive interpretation of the constitutional right to freedom of expression that would protect not only individual journalists but the institutional conditions for independent journalism. This position drew on the constitutional jurisprudence of the European Court of Human Rights, particularly the court's recognition in a series of cases from the 1970s onwards that press freedom is not merely an individual right but a structural right that protects the institutional conditions for a free press, including the right of journalists to protect their sources and the right of media organisations to function without state interference.

On the question of internet freedom as a constitutional right, Alam's advocacy for the constitutional entrenchment of internet access as a fundamental right was one of the most specific and tangible contributions he made to the constitutional reform debate. His experience of the Hasina government's internet shutdowns during the July uprising, which had directly impeded the movement's ability to communicate and coordinate, gave him a visceral understanding of the political stakes of internet freedom that informed his advocacy.

On the question of the relationship between constitutional reform and cultural diversity, Alam's interventions reflected his characteristic synthesis of democratic pluralism and cultural sensitivity. His position that Bangladesh's constitution should accommodate religious identity within a pluralist framework, rather than suppressing it in the name of secularism or enforcing it in the name of Islamism, represented a genuinely original contribution to the constitutional reform debate that drew on his distinctive intellectual formation.

28.3 The Limits and Legacies of Alam's Constitutional Engagement

Honest intellectual biography requires acknowledging both the contributions and the limits of Alam's engagement with the constitutional reform process. His most significant limitation as a constitutional actor during the transitional period was perhaps the structural constraint of his specific ministerial portfolio: as Adviser for Information and Broadcasting, he was responsible for media regulation rather than for constitutional design, and his ability to shape the broader constitutional reform agenda directly was therefore limited.

Within his portfolio, however, he made choices that had constitutional implications. His support for the repeal of the Cyber Security Act's most repressive provisions, his advocacy for the constitutional entrenchment of internet access as a fundamental right, and his articulation of a vision of media freedom as a constitutional principle rather than merely a regulatory question all contributed to the constitutional reform debate in ways that went beyond his specific ministerial responsibilities.

His most significant failure, from a constitutional perspective, was arguably his inability to institutionalise the media reform agenda in ways that would survive his own departure from office. The constitutional entrenchment of press freedom as a structural right, the establishment of an independent broadcasting regulatory authority, and the reform of the legal framework for media licensing were all constitutional and quasi-constitutional changes that required sustained legislative and institutional effort over an extended period. The partial character of the reforms

actually implemented during his tenure meant that the constitutional foundations of media freedom in Bangladesh remained fragile at the end of the transitional period.

The assessment of Alam's constitutional legacy must also engage with the broader question of what the July Revolution itself achieved constitutionally. The revolution succeeded in removing an authoritarian government, establishing an interim administration with a genuine reform mandate, initiating the most comprehensive constitutional reform process in Bangladesh's history, and ultimately producing a constitutional referendum that endorsed significant structural changes to the governmental framework. These are not trivial achievements.

At the same time, the constitutional revolution remained incomplete in fundamental ways. The exclusion of the Awami League from the constitutional negotiations, the questionable legality of the Implementation Order, the bundled character of the referendum question, and the subsequent electoral dominance of the BNP, which gave a single party a supermajority that could be used to implement or to undermine the charter's commitments, all represented sources of constitutional fragility that would test the durability of the new framework in the years ahead.

28.4 Constitutional Democracy and the Unfinished Republic

The subtitle of this textbook, "The Unfinished Republic," captures something essential about Bangladesh's constitutional condition. Bangladesh is a republic that has been in the process of making itself for more than fifty years, repeatedly remaking its constitutional foundations in the aftermath of political ruptures that destroyed the frameworks established by previous generations.

The question that Bangladesh's constitutional history poses with particular force is whether a genuine constitutional settlement, one that is durable, inclusive, and genuinely protective of democratic values, is achievable in the specific conditions of the country's political economy and cultural-historical context. The pessimistic answer, suggested by the cycle of military coups, electoral manipulation, and constitutional revision that has characterised so much of Bangladesh's post-independence history, is that structural forces, the political economy of patron-client relationships, the dynasticism of party politics, the culture of political violence, and the weakness of civil society outside the major cities, will continue to undermine constitutional commitments regardless of how carefully those commitments are drafted.

The optimistic answer, suggested by the July uprising itself and by the remarkable energy and sophistication of the constitutional reform process that followed it, is that the accumulated constitutional experience of fifty years has produced a generation of political actors, including Mahfuj Alam and the broader cohort of young activists and scholars who participated in the uprising, who understand constitutional democracy not as a formal requirement imposed from outside but as a genuine political value to be defended and developed. This generation has experienced authoritarianism firsthand and has developed a sophisticated understanding of the institutional mechanisms through which democratic governance can be protected from authoritarian erosion.

The constitutional theory most relevant to this hopeful interpretation is the civic republican tradition, associated with scholars such as Philip Pettit, Quentin Skinner, and Maynor. Civic republicanism holds that genuine freedom requires not merely the absence of interference but the absence of domination: the absence of the capacity of others to interfere with one's freedom arbitrarily. On this view, constitutional institutions, including courts, parliaments, independent regulatory bodies, a free press, and civil society organisations, are not merely constraints on power but the institutional conditions of freedom itself. A society in which these institutions are strong and genuinely independent is a free society even when no specific act of governmental interference occurs; a society in which they are weak or captured is unfree even when the government happens to be benevolent.

Mahfuj Alam's constitutional vision, as expressed in his public life and his specific policy contributions, is most naturally interpreted as a civic republican vision: an aspiration not merely for specific constitutional provisions but for a Bangladesh in which the institutional conditions of civic freedom are genuinely present and genuinely available to all citizens, regardless of their class, religion, gender, or regional origin.

CHAPTER TWENTY-NINE: THE CARETAKER GOVERNMENT RESTORATION AND ITS CONSTITUTIONAL IMPLICATIONS

29.1 The History and Purpose of the Caretaker System

The caretaker government system, introduced through the Thirteenth Amendment to the constitution in 1996, represents one of Bangladesh's most distinctive constitutional innovations: a solution to the specific problem of electoral manipulation by incumbent governments that drew on the country's own political experience rather than on any international template.

The specific impetus for the caretaker system was the political crisis of 1994-1996, when the BNP government's conduct of the February 1996 elections in conditions that virtually all credible observers regarded as massively fraudulent, combined with its refusal to accept international or domestic monitoring, resulted in a boycott of those elections by the Awami League and other opposition parties. The subsequent mass protests and political crisis created the conditions for a constitutional compromise: the Thirteenth Amendment, passed unanimously by a parliament that the BNP controlled, introduced the requirement that elections be held under the supervision of a three-month caretaker administration headed by the most recently retired Chief Justice of Bangladesh.

The caretaker system operated through three national elections, in 1996, 2001, and 2008, with outcomes that international observers widely regarded as substantially free and fair relative to the elections held without caretaker supervision. The system's abolition through the Fifteenth Amendment of 2011 was therefore a significant democratic setback, removing an institutional safeguard that had demonstrably improved the quality of Bangladeshi elections.

The constitutional jurisprudence through which the Fifteenth Amendment abolished the caretaker system is itself revealing of the way in which legal reasoning can be deployed in the service of partisan political interests. The Supreme Court's 2011 advisory opinion, which held that the caretaker system was inconsistent with the principles of democratic governance because it placed governmental power in the hands of unelected officials, applied a formal democratic principle, the requirement that governments be accountable to elected representatives, in a way that ignored the substantive democratic values the caretaker system was designed to protect: the free and fair conduct of the elections through which that accountability was to be exercised.

This example illustrates what the constitutional theorist Mark Tushnet has called "thin" versus "thick" constitutionalism. Thin constitutionalism applies constitutional principles formalistically, attending to their literal requirements while ignoring their underlying purposes. Thick constitutionalism interprets constitutional principles in light of their substantive democratic purpose, asking whether a specific institutional arrangement serves the values that the constitutional principle is intended to protect rather than merely whether it complies with the principle's formal requirements. The Supreme Court's 2011 opinion was a paradigmatic example of thin constitutionalism in the service of partisan political interests.

29.2 The November 2025 Restoration: Jurisprudential Analysis

The Appellate Division's November 2025 judgment restoring the Thirteenth Amendment, as discussed briefly in Chapter Twenty-Three, raised profound questions about the scope and exercise of judicial power in constitutional democracies. On 20 November 2025, Bangladesh's Supreme Court delivered a landmark judgment restoring the 13th Amendment, which introduces the non-partisan caretaker government system during elections, after fourteen years of constitutional abolition. www.iconnectblog.com

The judgment was unanimous, reflecting a broad consensus within the Supreme Court that the caretaker system's abolition had been constitutionally improper. The Court's reasoning drew on the basic structure doctrine and on the specific characteristics of Bangladesh's electoral history to hold that the caretaker system was not merely a constitutional provision but an element of the basic structure of the constitution, a structural guarantee of democratic elections that could not be abrogated even through the ordinary constitutional amendment process.

The most jurisprudentially significant aspect of the judgment was its explicit engagement with the question of prospective versus retrospective application. The short order stated that "the provisions of Chapter IIA of Part IV of the Constitution relating to the Non-Party Caretaker Government (NPCG) as inserted by section 3 of the Constitution (Thirteenth Amendment) Act, 1996 (Act No. 1 of 1996), are found to have hereby been activated and revived upon this Court's ruling." Yet immediately thereafter, the Court narrowed this reinstatement by declaring that such revival ensures automatic restoration of Chapter IIA containing NPCG provisions while limiting its operational scope to future elections. www.iconnectblog.com

The scholarly analysis of prospective overruling in constitutional law provides the analytical framework for assessing this element of the judgment. The concept was introduced in American constitutional law by Justice Traynor in his influential separate opinion in *Mackey v Montrym*

(1979) and has been extensively analysed in the comparative constitutional law literature. The basic argument for prospective overruling is that when courts change constitutional rules on which parties have relied in planning their conduct, the disruption of those reliance interests can be so severe that justice requires applying the old rule to existing cases while prospectively applying the new rule to future ones.

The application of this logic to the caretaker government case is somewhat strained. Reliance interests in the electoral context are different from reliance interests in contract or property law: the question is not whether specific private actors have made investments in reliance on the continuation of the rule but whether the practical administration of elections depends on sufficient advance notice of the applicable rules. This is a genuine concern, but it is a pragmatic rather than a principled reason for prospective application, and its invocation to delay the restoration of a fundamental democratic right sits uneasily with the Court's own characterisation of the caretaker system as an element of the basic structure.

The broader jurisprudential question raised by the prospective application is one about the proper relationship between constitutional principle and practical consequence in judicial decision-making. The constitutional theorist Laurence Tribe, in his analysis of constitutional "second order" questions, the questions about how to interpret the constitution rather than about what specific provisions require, has argued that courts should generally apply constitutional principles retrospectively as well as prospectively, on the grounds that prospective-only application creates a two-tier constitutional order in which the rights of those governed under the old rule are worth less than the rights of those governed under the new rule.

29.3 The Caretaker System and Comparative Electoral Administration

The international comparative context for Bangladesh's caretaker government system is revealing. Bangladesh stands somewhat alone in the constitutional tradition in having constitutionally entrenched a mechanism for electoral management by politically neutral caretaker administrations. Most democratic systems manage the risk of electoral manipulation by incumbents through other institutional means: strong, independent electoral commissions, robust civil society monitoring, international observation, legal prohibitions on the use of state resources for electoral advantage, and criminal sanctions against electoral fraud.

The argument for and against the caretaker system can be engaged at the level of comparative institutional analysis. The experience of the three elections conducted under the caretaker system (1996, 2001, 2008) demonstrated that the system could, when the political conditions for its effective operation were present, produce elections of substantially higher quality than those conducted under partisan administration. The experience of the elections conducted after the caretaker system's abolition (2014, 2018, 2024) demonstrated that in the absence of the structural guarantee provided by the caretaker system, incumbent governments could and did manipulate elections systematically.

But the caretaker system has structural limitations as well. It places governmental power in the hands of former judges and other senior officials who have not been democratically elected and who may themselves have political sympathies or connections that affect their conduct. The

system assumes that retired Chief Justices will be genuinely politically neutral, an assumption that is not always valid given the politicised character of judicial appointments under previous governments. And the system provides no mechanism for managing the situation where the most recently retired Chief Justice is herself a political partisan.

These limitations suggest that the caretaker system should be understood not as a permanent constitutional feature but as a transitional mechanism for managing electoral administration during a period when the institutional conditions for fully independent electoral management are not yet in place. The long-term constitutional project should be to build the institutional infrastructure, an independent election commission, professional civil service, effective legal sanctions against electoral fraud, and strong civil society monitoring, that would make the caretaker system unnecessary because electoral management would be genuinely independent regardless of which government was in power.

CHAPTER THIRTY: THE CONSTITUTIONAL REFORM COUNCIL AND THE POST-REFERENDUM CONSTITUTIONAL MOMENT

30.1 From Pink Ballot to Constitutional Amendment: The Implementation Pathway

The success of the yes vote in the February 2026 referendum created the constitutional mandate, however legally contested, for the formation of a Constitutional Reform Council composed of the newly elected members of the 13th National Parliament. Under the terms of the Implementation Order, this council was to work within 180 working days from the date of the new parliament's first session to incorporate the July Charter's proposals into the constitution.

The constitutional and political dynamics of this process were shaped fundamentally by the BNP's supermajority. A parliament in which one party holds two-thirds of the seats has the constitutional power to amend the constitution without the consent of any other party. The question of whether the BNP would use this power to implement the July Charter's proposals faithfully, to implement them selectively in ways that served its own political interests, or to implement them minimally while focusing its constitutional reform energies on other priorities was one of the central political questions of the immediate post-election period.

The July Charter's proposals that were most likely to generate compliance from a BNP supermajority were those that served the party's political interests regardless of their charter commitments: the caretaker government restoration (which the BNP had historically advocated), limits on the Prime Minister's term in office (which would constrain future Awami League prime ministers more immediately than future BNP ones), and reforms to the judiciary that would limit the ability of a future government to appoint politically loyal judges. These proposals aligned BNP's partisan interests with the charter's democratic aspirations.

The proposals most at risk of non-implementation were those that would directly constrain the BNP government's own power: reforms to Article 70 that would allow members of parliament to vote against the party line on non-confidence matters, reforms to the electoral system that would

give smaller parties proportional representation in the upper house, and reforms to the appointment processes for independent commissions that would prevent the BNP from appointing its own loyalists to key regulatory and oversight bodies.

This analysis does not necessarily imply bad faith on the BNP's part. The universal tendency of political parties in power to resist constitutional changes that constrain their own authority is not unique to Bangladesh or to the BNP: it is a structural feature of democratic politics that constitutional designers have struggled with throughout the history of constitutional government. The constitutional theorist Jon Elster's analysis of "precommitment" in constitutional design, developed in his 1979 work "Ulysses and the Sirens," argues that the value of constitutional constraints lies precisely in their ability to bind future democratic majorities to commitments made at moments when those majorities were not yet in power. The constitutional test for Bangladesh was whether the July Charter's precommitments were institutionally robust enough to bind a BNP supermajority that had every political incentive to resist the constraints they imposed.

30.2 The Role of Civil Society and Social Movements in Constitutional Implementation

The constitutional reform process that followed the February 2026 elections could not rely solely on parliamentary politics for its implementation. Civil society organisations, including the student groups and activist networks that had organised the July uprising, had both the legitimacy and the capacity to monitor the constitutional reform process and to hold the BNP government accountable for its charter commitments.

The theoretical framework for understanding civil society's role in constitutional implementation draws on the work of scholars in the democratic consolidation tradition, particularly on Robert Putnam's analysis of social capital and democratic performance in his 1993 work "Making Democracy Work," and on more recent work by scholars including Sidney Tarrow and Charles Tilly on social movements and democracy. These scholars have shown that strong civil society organisations, capable of mobilising citizens around specific policy demands and of sustaining pressure on governments over extended periods, are essential to the effective functioning of democratic institutions.

For Bangladesh specifically, the July uprising demonstrated the capacity of civil society organisations, and particularly youth organisations, to mobilise for democratic change on a scale and with an effectiveness that surprised even their most optimistic observers. The question for the post-election period was whether this mobilisation capacity could be sustained and channelled into the specific demands of constitutional implementation, or whether it would dissipate as the immediate revolutionary energy faded and the participants returned to their ordinary lives.

Mahfuj Alam's biography speaks directly to this question. His trajectory from student activist to government adviser and back, as the interim government gave way to the elected BNP government, illustrated both the possibilities and the limits of the relationship between social movements and constitutional reform. As a government adviser, he had access to the levers of institutional power and could attempt to implement specific reform measures from within the

state. As a former activist, he retained the credibility and the network of relationships that had made him a significant voice in the movement for constitutional change. The question of how to combine these different forms of influence, and how to remain genuinely committed to the constitutional project even when operating within a governmental institution that inevitably imposed constraints on one's freedom of action, was one that Alam navigated throughout his public life with greater or lesser success.

30.3 The International Dimension: External Influences on Bangladesh's Constitutional Transition

Bangladesh's constitutional transition did not occur in an international vacuum. The country's external relationships, particularly with India, China, the United States, and international financial institutions, created an environment of external pressures and supports that shaped the transition in important ways.

India's relationship with Bangladesh is the most important single bilateral factor in the country's external environment. The Sheikh Hasina government had maintained close relations with India, and India's acceptance of Hasina after her departure from Bangladesh on August 5, 2024 was itself a political factor that complicated the relationship between the new Bangladeshi government and its most important neighbour. The question of how Bangladesh's new constitutional framework would affect the India-Bangladesh relationship was a significant consideration for all actors in the transition process.

The United States' interest in Bangladesh's democratic transition was reflected in the International Republican Institute's pre-election assessment mission, discussed in Chapter Twenty-Five, and in broader diplomatic engagement with the reform process. American interest in Bangladesh's democratic development is partly strategic, given the country's position in the Bay of Bengal region and its significance in relation to China's Belt and Road Initiative, and partly ideological, reflecting American foreign policy commitments to democratic governance and human rights.

International financial institutions, particularly the World Bank and the International Monetary Fund, had significant leverage over Bangladesh's economic policy during the transitional period, and their engagement with the governance reform agenda influenced the specific content of some of the administrative and institutional reforms proposed by the reform commissions. The World Bank's emphasis on transparency, accountability, and anti-corruption in its engagement with Bangladesh reflected its own institutional framework for assessing governance quality, the so-called CPIA framework, which provided specific benchmarks against which Bangladesh's governance reforms could be assessed.

The international constitutional law community also played a role in the transition, through the engagement of international organisations including International IDEA (the International Institute for Democracy and Electoral Assistance), which provided technical assistance to the NCC and the constitutional reform commissions and published extensive analytical work on the reform process. International IDEA's framework for assessing constitutional processes, which

emphasises participation, national ownership, consensus-building, and transparency, provided one set of external benchmarks against which Bangladesh's process could be evaluated.

CHAPTER THIRTY-ONE: CONSTITUTIONAL THEORY IN GLOBAL CONTEXT: BANGLADESH AND THE INTERNATIONAL COMMUNITY OF CONSTITUTIONAL IDEAS

31.1 The Global Constitutional Moment and Bangladesh's Place in It

Bangladesh's constitutional transition of 2024-2026 took place within what scholars have called a global constitutional moment: a period of intense constitutional activity and debate across the world in which fundamental questions about the nature and limits of democratic governance are being revisited with unusual urgency.

The phenomena driving this global constitutional moment include the widespread experience of democratic backsliding and autocratisation identified by scholars such as Larry Diamond, Steven Levitsky, and Lucan Way; the challenges posed to constitutional frameworks by the rise of populist political movements that reject the constraints of liberal constitutionalism; the transformation of the information environment by digital technologies that create new forms of political mobilisation and new forms of disinformation; and the deepening global crises, particularly the climate emergency and the COVID-19 pandemic and its successors, that have created demands for emergency governmental powers that can be used to override constitutional rights.

Bangladesh's specific experience illuminates several of these global constitutional challenges with particular clarity. The country's experience of democratic backsliding under the Hasina government illustrates the mechanisms through which constitutional retrogression occurs: the gradual use of constitutional procedures to hollow out the substance of constitutional governance. The July uprising illustrates the potential of digital-age mobilisation to overcome the informational barriers that authoritarian governments erect to contain popular dissent. The constitutional reform process illustrates both the possibilities and the difficulties of post-authoritarian constitutional refounding.

The comparative constitutional law scholarship on these issues has developed several influential theoretical frameworks. Scholars including David Landau, Rosalind Dixon, and Tom Ginsburg have developed the concept of "democratic erosion" and identified the institutional mechanisms through which it occurs and can be prevented. Their research converges on several institutional design recommendations that are directly relevant to Bangladesh's constitutional reform: strong independent judiciaries, effective parliaments with genuine oversight capacity, robust civil society, and information environments that support rather than undermine democratic deliberation.

The recent work of scholars associated with the Comparative Constitutions Project, including Ginsburg, Melton, and Elkins, who have built the world's most comprehensive database of

constitutional texts and amendments, provides empirical foundations for assessing the likely durability and effectiveness of constitutional provisions. Their research shows that constitutional systems are most durable when they are adopted through inclusive processes with broad participation, when they are not excessively rigid in their amendment procedures, and when they contain effective mechanisms for judicial review.

Assessed against these empirical benchmarks, Bangladesh's July Charter process scores well on inclusivity (subject to the limitation of Awami League's exclusion), poorly on the rigidity-flexibility dimension (the amendment process remains technically straightforward), and strongly on the judicial review dimension given the reinforcement of both the basic structure doctrine and Article 7B in the constitutional reform process.

31.2 Constituent Power, Constituted Power, and the Resolution of Their Tension

The tension between constituent power and constituted power, which runs through the entire analysis in this part, finds its theoretical resolution in the work of the German constitutional theorist Carl Schmitt and his critics. Schmitt's theory of the constituent power, developed in his 1928 work "Constitutional Theory," holds that every constitutional order rests on a political decision about the fundamental form of the state, a decision made by the sovereign people in the exercise of their constituent power. For Schmitt, this constituent power is always present beneath the constitutional order, capable of reasserting itself when the constitutional order fails to represent the genuine will of the people.

Schmitt's analysis has been influential but also deeply problematic. His theory was subsequently deployed in support of the Nazi seizure of power, which Schmitt (himself a Nazi intellectual) described as an exercise of German constituent power. The lesson drawn from this experience is that any theory of constituent power must include robust constraints on its exercise: the identification of "the people" as the constituent power subject cannot be left open to manipulation by political actors who claim to speak for the people while actually speaking only for their own faction.

The normative theory of constituent power developed by scholars including Sieyès, Arendt, and more recently Colón-Ríos, seeks to specify the conditions under which an exercise of constituent power is genuinely democratic rather than authoritarian. These conditions include: the existence of a genuine political moment of constitutional rupture in which the previous order has lost its legitimacy; the availability of processes for broad popular participation in the exercise of constituent power; the self-limitation of the constituent power through the creation of durable constitutional institutions rather than its indefinite retention in the hands of a revolutionary vanguard; and the commitment to constitutional principles of equality, rights, and the rule of law in the exercise of constituent power.

Assessed against these conditions, Bangladesh's July Revolution and the constitutional process it set in motion represent a genuine, if imperfect, exercise of constituent power. The political rupture was genuine and broadly recognised. The participation in the constitutional design process, while not fully inclusive, was extensive and reflected a wide range of political perspectives. The commitment to creating durable constitutional institutions, rather than

maintaining the interim government indefinitely, was respected through the holding of elections within an acceptable timeframe. And the constitutional principles embodied in the July Charter, though contested in specific provisions, broadly reflect commitments to equality, rights, and the rule of law.

The specific contribution of figures like Mahfuj Alam to this exercise of constituent power is best understood as a form of constitutional entrepreneurship: the active effort to shape the direction and content of the constituent power's exercise toward outcomes that reflect a sophisticated and principled constitutional vision. Constitutional entrepreneurs are not mere representatives of their constituencies but active architects of constitutional possibilities, people who use their position, their relationships, their intellectual resources, and their moral authority to argue for specific constitutional choices and to build the coalitions necessary to make those choices possible.

31.3 Post-Colonial Constitutional Theory and Bangladesh's Distinctive Constitutional Path

Bangladesh's constitutional experience must also be read through the lens of post-colonial constitutional theory, which attends to the specific challenges and possibilities created by the colonial inheritance in the constitutional frameworks of states that achieved independence from European colonialism in the twentieth century.

The post-colonial constitutional tradition identifies several specific pathologies that colonial inheritance introduces into constitutional systems. The first is what Frantz Fanon described in "The Wretched of the Earth" as the reproduction of the colonial state under national auspices: the transfer of political control to a national elite that uses the institutional framework of the colonial state for its own enrichment rather than for the liberation of the population as a whole. The second is what Mahmood Mamdani has described as the "decentralised despotism" of the colonial state, in which ethnic, religious, and regional identities are manipulated by the state to maintain its control. The third is the mismatch between the constitutional frameworks borrowed from former colonial powers and the actual political, social, and economic conditions of post-colonial states.

Each of these pathologies has been visible in Bangladesh's constitutional history. The reproduction of authoritarian governance under national auspices was already visible in the Sheikh Mujibur Rahman government's one-party state of 1975. The manipulation of religious and cultural identities by successive governments was evident in both the Islamisation of the constitution under military governments and the use of secularism as a political weapon by the Awami League against its Islamist opponents. The mismatch between the Westminster parliamentary model inherited from British colonialism and the actual political conditions of a poor, densely populated country with a highly personalised party system and a weak institutional infrastructure was visible in virtually every election and constitutional crisis of the post-independence period.

The post-colonial constitutional theory tradition offers two broad responses to these pathologies. The first, associated with scholars such as Jeremy Webber and James Tully, argues for constitutional pluralism: constitutional frameworks that explicitly recognise and accommodate

the diverse identities and political traditions of post-colonial societies rather than imposing a single model of liberal constitutional governance. The second, associated with scholars such as H.W.O. Okoth-Ogendo and Wole Soyinka, argues for a more radical decolonisation of constitutional frameworks: the development of genuinely new constitutional forms that draw on indigenous political traditions rather than merely adapting European models to local conditions.

In Bangladesh's constitutional debate, both of these responses found expression. The July Charter's recognition of multiple state languages, the accommodation of Islamic governance principles within the constitutional framework, and the specific attention to the rights of indigenous and minority communities all reflected elements of a constitutional pluralist approach. The more radical demands, voiced by some participants in the reform debate, for a fundamental rethinking of the relationship between state, community, and individual that drew on South Asian rather than European political philosophical traditions, were represented more marginally in the final reform proposals but were not entirely absent.

CHAPTER THIRTY-TWO: THE JURISPRUDENCE OF TRANSITIONAL CONSTITUTIONALISM: LESSONS FROM BANGLADESH FOR THE WORLD

32.1 Bangladesh as a Constitutional Laboratory

The constitutional experience of Bangladesh in 2024-2026 has generated a body of constitutional practice that is of genuine significance for the global constitutional law literature. Several specific legal-constitutional innovations or applications that emerged from the Bangladeshi transitional experience deserve attention in this final analytical chapter.

The first is the specific application of the basic structure doctrine to protect the caretaker government system as a constitutional element. The Supreme Court's November 2025 judgment, which unanimously held that the Thirteenth Amendment provisions were constitutional and that their abolition through the Fifteenth Amendment violated the basic structure of the constitution www.iconnectblog.com, represents a significant extension of the basic structure doctrine to cover procedural guarantees of democratic elections. Previous applications of the doctrine had focused primarily on substantive constitutional provisions, the right to equality, judicial independence, and the rule of law. The extension of the doctrine to cover the specific mechanism of electoral neutrality represents a development in the doctrine's scope that has implications for constitutional systems beyond Bangladesh.

The second innovation is the Abusive Originalism doctrine developed in the Siddiqui Review judgment of October 2024. The concept that a constitutional provision can be unconstitutional even if it restores the original text of the founding constitution, because the context in which it would operate has changed sufficiently to transform its effect from constitutional to anti-constitutional, is a genuinely original contribution to constitutional theory. It challenges the assumption common in originalist constitutional thought, particularly the version associated with American constitutional scholars like Antonin Scalia, that fidelity to the original constitutional text provides a reliable safeguard against constitutional manipulation.

The third development of global constitutional significance is the specific hybrid model of constitutional design represented by the National Consensus Commission process: the combination of expert commission recommendations, multiparty political negotiations, and popular ratification through a constitutional referendum. This model sought to combine the technical quality of expert-driven design with the democratic legitimacy of participatory process and popular ratification. Its successes and failures provide valuable empirical data for the comparative constitutional design literature on the effects of different constitution-making processes.

32.2 The Information Freedom Dimension of Constitutional Transition

The relationship between information freedom and constitutional transition deserves sustained theoretical attention as a contribution of Bangladesh's specific experience to constitutional theory. The July uprising was, as Part Two of this textbook examined in detail, fundamentally an information revolution: a moment in which the control of the information environment that had been one of the foundations of the Hasina government's power was broken by the combination of mobile internet access, social media platforms, and the courage of citizen journalists who documented and disseminated evidence of state violence.

The constitutional implications of this information revolution are profound and have not been fully worked out in the existing constitutional literature. Constitutional theorists have paid increasing attention to the relationship between information freedom and democratic governance since the rise of the internet as a mass political medium in the 2000s, but the specific question of how constitutional frameworks should address the political economy of information in an age of social media, artificial intelligence, and digital surveillance has not yet received the comprehensive theoretical treatment it deserves.

Bangladesh's constitutional reform process made a beginning on this question through the proposal to constitutionally entrench internet access as a fundamental right and through the specific reforms of the media and communications regulatory framework discussed in Part Two. But the theoretical foundations for a comprehensive constitutional information law, one that addresses the ownership structure of digital platforms, the use of algorithms to shape political communication, the relationship between information freedom and national security, and the rights of users in digital environments, remain underdeveloped.

This is a genuinely global challenge. The regulatory frameworks developed by the European Union through the Digital Services Act and the Artificial Intelligence Act represent the most ambitious attempt yet to address the governance of the digital information environment at a constitutional level. Bangladesh, as a middle-income country with a large and growing digital sector, faces versions of the same challenges that confront European constitutional systems but with weaker regulatory capacity and more urgent immediate priorities.

The constitutional entrenchment of internet access as a right in Bangladesh's reformed constitution, while modest in its specific legal implications, represents a principled commitment to information freedom that provides a constitutional foundation for the development of more specific regulatory frameworks over time. This is exactly the kind of constitutional

precommitment that scholars of constitutional design have identified as valuable: a statement of principle that constrains future legislative development in the direction of information freedom rather than information control.

32.3 The Long View: Constitutional Democracy and the Future of Bangladesh

The conclusion of this chapter, and indeed of this part, must engage with the most fundamental question raised by Bangladesh's constitutional history: is durable constitutional democracy achievable in the specific conditions of Bangladeshi political economy, culture, and history?

The pessimistic view, supported by the cyclical pattern of Bangladesh's political history, the depth of the structural pathologies that make democratic governance difficult, and the constitutional fragility of the reform framework developed during the transitional period, would suggest that the constitutional settlement of 2026 represents yet another attempt to create durable democratic institutions in conditions that systematically undermine such attempts.

The optimistic view, supported by the sophistication of the constitutional reform process, the quality of the intellectual and political engagement with the constitutional challenges facing the country, the remarkable demonstration of popular political agency in the July uprising, and the genuine, if imperfect, progress in democratic governance over the course of Bangladesh's history, would suggest that the country has, for the first time since independence, created the constitutional and institutional foundations for a genuinely durable democratic settlement.

The theoretically most sophisticated position is probably the one that refuses both the pessimistic and the optimistic extremes and insists instead on the conditionality of constitutional democracy's prospects. Constitutional democracy is achievable in Bangladesh, but it is not inevitable: its achievement depends on the sustained effort of political actors, civil society organisations, judicial institutions, and citizens who are committed to the values of democratic constitutionalism and willing to work within and defend the institutional frameworks that embody those values.

Mahfuj Alam's biography, the biography of a young man from a rural madrasa background who educated himself in law, organised his generation in defence of democratic values, played a central role in the revolution that transformed Bangladesh's political landscape, and served as a minister in the government tasked with rebuilding the country's institutional foundations, is one of the most compelling illustrations available of the kind of individual commitment that constitutional democracy requires. His story does not end with his departure from the Information Ministry. The constitutional work he participated in and advocated for will continue to be tested, refined, and contested for years and decades to come.

CONCLUSION TO PART THREE: THE CONSTITUTIONAL ARCHITECTURE OF THE UNFINISHED REPUBLIC

This third part of the textbook has examined in depth the constitutional dimensions of Bangladesh's transitional period, engaging with the specific proposals of the Constitutional Reform Commission, the jurisprudential developments in the Supreme Court, the politics of the National Consensus Commission and the July National Charter, the design and conduct of the February 2026 referendum, and the theoretical frameworks that illuminate all of these developments.

The central argument of this part is that Bangladesh's constitutional transition of 2024-2026 represents a genuine attempt at democratic refounding: an effort to translate the revolutionary energy of the July uprising into durable constitutional institutions through a combination of expert design, political negotiation, judicial validation, and popular ratification. This attempt was imperfect in important respects. The exclusion of the Awami League from the constitutional negotiations created a legitimacy deficit that future politics would need to address. The bundled character of the referendum question left the specific popular mandate for individual constitutional proposals genuinely ambiguous. The BNP's supermajority created structural conditions that posed a significant test for the implementation of the charter's commitments. And the constitutional framework produced by the transitional process rested on legally contested foundations, particularly the Implementation Order's questionable constitutional authority.

At the same time, the achievements of the transitional period were genuine. The basic structure doctrine was confirmed and extended by a Supreme Court that had reclaimed its independence. The caretaker government system, one of the most important safeguards of electoral integrity, was restored. A comprehensive package of constitutional amendments addressing term limits, judicial independence, women's representation, information rights, and institutional accountability was endorsed by a substantial popular majority in a genuine referendum. And the constitutional discourse of Bangladesh was transformed, through the sustained engagement of the reform commissions, the NCC, and the broader public debate, in ways that created a new constitutional vocabulary and a new set of institutional aspirations.

Whether these aspirations are realised in the years ahead will depend on the choices made by political actors, including the BNP government, the political parties, civil society organisations, the judiciary, and ordinary citizens. The constitutional architecture has been designed. The question of whether it will be inhabited with the commitment, the institutional practice, and the democratic culture necessary to make it genuinely protective of democratic values remains to be answered by the living politics of Bangladesh's unfinished republic.

Part Four of this textbook will examine the specific political philosophy and the broader intellectual contributions of Mahfuj Alam, tracing the development of his thinking about democracy, justice, and political transformation from his student years through his time in government and beyond. It will situate his philosophy within the broader intellectual traditions of Bangladesh and South Asia, engage with the philosophical questions about political obligation, democratic legitimacy, and the ethics of political action that his biography raises, and assess his significance as a political thinker and constitutional actor for Bangladesh and for the broader global conversation about democracy in the twenty-first century.

Extended Bibliographic Note for Part Three

The theoretical and legal sources drawn upon in this part are numerous and deserve specific acknowledgment for readers seeking deeper engagement with the primary literature.

On constitutional transition theory and post-authoritarian constitutionalism, the essential foundational texts are Hannah Arendt's "On Revolution" (1963), which remains the most profound treatment of the relationship between revolutionary politics and constitutional founding; Andrew Arato's "Post Sovereign Constitution Making" (2016), which develops the most sophisticated contemporary framework for thinking about constitution-making processes in the aftermath of authoritarian rule; and Tom Ginsburg and Aziz Huq's "How Democracies Die" (2018), which provides the most comprehensive recent analysis of democratic backsliding and constitutional retrogression.

On the basic structure doctrine specifically, the essential texts are Yaniv Roznai's "Unconstitutional Constitutional Amendments: The Limits of Amendment Powers" (2017), which provides the most comprehensive comparative analysis of constitutional unamendability; Richard Albert's "Constitutional Amendments: Making, Breaking and Changing Constitutions" (2019), which develops the theoretical framework of constitutional amendment theory; and the Cambridge Core article on "Revisiting Judicial Review of Constitutional Amendments in Bangladesh: Article 7B, the Asaduzzaman Case, and the Fall of the Basic Structure Doctrine," which provides the most current scholarly analysis of the Bangladeshi basic structure doctrine.

On the Bangladeshi constitutional jurisprudence specifically, readers should consult the direct texts of the major judgments discussed in this part: Anwar Hossain Chowdhury v Bangladesh (1989), the 2024 review judgment in Bangladesh v Advocate Asaduzzaman Siddiqui, and the November 2025 Appellate Division judgment on the Thirteenth Amendment's constitutional validity. These judgments are available through the Bangladesh Supreme Court's official website and through international legal databases including Westlaw and HeinOnline.

On the comparative constitutionalism literature relevant to Bangladesh's experience, the most important recent works include Rosalind Dixon and Tom Ginsburg's "Comparative Constitutional Law" (2011), the Oxford Handbook of Constitutional Law edited by Michel Rosenfeld and Andras Sajó (2012), and the more recent "Constitutionalism in Asia in the Early Twenty-First Century" edited by Albert Chen (2014). For the specifically African and South Asian comparative dimensions, see Heinz Klug's "Constituting Democracy: Law, Globalism and South Africa's Political Reconstruction" (2000) and the comprehensive overview in Ratna Kapur and Brenda Cossman's "Subversive Sites: Feminist Engagements with Law in India" (1996).

On referendum design and direct democracy, the essential references are the International IDEA Handbook on Direct Democracy (2008, revised 2021) and the comparative analysis in Laurence LeDuc's "The Politics of Direct Democracy: Referendums in Global Perspective" (2003). For the specific analysis of the Bangladesh referendum of 2026, the most current scholarly treatment is available through the ConstitutionNet publications of International IDEA, particularly Muhammad Ekramul Haque and Sumit Bisarya's analysis of the July Charter published in December 2025 and Sara Hossain's critical assessment published in March 2026.

On deliberative democracy and its constitutional implications, the foundational texts are Habermas's "Between Facts and Norms" (1996), Seyla Benhabib's "The Claims of Culture" (2002), and James Bohman's "Public Deliberation: Pluralism, Complexity, and Democracy" (1996). For the most recent developments in deliberative democracy theory, including the response to digital age challenges, see John Dryzek's "Foundations and Frontiers of Deliberative Governance" (2010) and the more recent work of deliberative democracy scholars in the journal "Political Theory."

On civic republican constitutional theory, the essential texts are Philip Pettit's "Republicanism: A Theory of Freedom and Government" (1997) and "On the People's Terms" (2012), Quentin Skinner's "Liberty Before Liberalism" (1998), and the recent edited volume "The Republican Legacy in International Thought" edited by Castiglione and Hampshire-Monk (2001). For the application of civic republican theory to constitutional design, see Pettit's collaboration with Geoffrey Brennan in "The Economy of Esteem" (2004) and the comparative constitutional analysis in "Republicanism: History, Theory, Practice" edited by Daniel and Sunstein (2004).

On post-colonial constitutional theory, the essential texts are Frantz Fanon's "The Wretched of the Earth" (1961), Mahmood Mamdani's "Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism" (1996), and the more recent edited volume "The Oxford Handbook of Comparative Constitutional Law" (2012), particularly the chapter on post-colonial constitutionalism by H. Kwasi Prempeh. For the specific South Asian post-colonial constitutional literature, see Rajeev Bhargava's edited volume "Politics in India" and the analytical frameworks developed by Sunil Khilnani in "The Idea of India" (1997).

End of Part Three

Part Four: The Political Philosophy of Mahfuj Alam: Democracy, Justice, and the Ethics of Political Transformation, will examine in depth the intellectual and philosophical dimensions of Alam's political vision. It will analyse his specific positions on democracy, secularism, Islamic political thought, economic justice, and the ethics of political violence and nonviolence. It will situate his philosophy within the traditions of Bengali intellectual culture, Islamic political thought, and international democratic theory. It will engage with the philosophical questions raised by his political choices, including the ethics of accepting governmental authority in a transitional context, the tension between movement politics and institutional politics, and the intellectual and moral responsibilities of someone who occupies simultaneously the roles of intellectual, activist, and political officeholder. It will also examine Alam's legacy in the contexts of student movements globally, the theory of generational politics, and the sociology of political transformation in developing democracies.

PART FOUR: THE POLITICAL PHILOSOPHY OF MAHFUJ ALAM: DEMOCRACY, JUSTICE, AND THE ETHICS OF POLITICAL TRANSFORMATION

Prefatory Note to Part Four

Parts One through Three of this textbook examined, in sequence, the formative dimensions of Mahfuj Alam's life and intellectual development, his specific tenure as Adviser for Information and Broadcasting in the Yunus interim government, and the constitutional architecture of the transitional period in which that tenure was set. This fourth part turns to the deepest and most philosophically demanding questions raised by his biography: what does Mahfuj Alam actually believe? What intellectual traditions inform his political vision? What theory of justice, democracy, and political transformation can be reconstructed from his public statements, his actions in government, his intellectual associations, and his choices at the most consequential moments of his political life?

These are not simple questions and they do not have simple answers. Mahfuj Alam is not a systematic philosopher. He has not written a treatise on political theory. His political philosophy must be reconstructed from fragments: from public speeches, interviews, Facebook posts, press briefings, policy decisions, and the accounts of those who know him. This reconstructive exercise is itself an act of interpretation, and the interpreter must always acknowledge the possibility of misreading: of projecting onto a living political actor a philosophical coherence that exists more in the analyst's mind than in the actor's own thought.

At the same time, the reconstruction is genuinely possible and genuinely important. Alam has been sufficiently articulate, sufficiently consistent, and sufficiently self-aware as a political actor that the broad outlines of his political philosophy are discernible. And the exercise of reconstructing that philosophy serves educational purposes that go beyond the biography of a single individual: it illuminates the intellectual currents that have shaped a generation of Bangladeshi political actors, the specific challenges of political theorising in a post-authoritarian transitional context, and the broader global questions about what democracy means and requires in the twenty-first century.

This part engages seriously with the theoretical traditions that illuminate Alam's thinking. It draws on Karl Mannheim's sociology of generations, Antonio Gramsci's theory of the organic intellectual, Hannah Arendt's philosophy of political action, Jurgen Habermas's communicative ethics, post-colonial political theory, Islamic political philosophy, and the most recent scholarship on generational politics, movement-to-party transitions, and the ethics of political leadership in democratic transitions. It also engages with the specific controversies of Alam's political career, including his position on the Awami League ban, the map controversy with India, his complex relationship with the National Citizens Party, and his characterisation of Bangladesh's post-election political environment as a "cold war."

CHAPTER THIRTY-THREE: THE ORGANIC INTELLECTUAL AND THE REVOLUTIONARY MOMENT: THEORETICAL FRAMEWORKS FOR UNDERSTANDING ALAM'S POLITICAL ROLE

33.1 Gramsci's Organic Intellectual: A Foundational Framework

The Italian Marxist philosopher Antonio Gramsci, writing in his prison notebooks during the 1930s, developed the concept of the organic intellectual as one of his most enduring contributions to political theory. For Gramsci, every social class generates its own intellectuals: people who give the class consciousness, coherence, and the capacity for political and cultural leadership. These organic intellectuals are not simply academics or professional thinkers; they are activists, organisers, and cultural workers who translate the experiences and interests of their class into a coherent political programme and who build the institutional frameworks, whether political parties, trade unions, cultural associations, or educational institutions, through which that programme can be pursued.

The contrast Gramsci drew was with traditional intellectuals: those who belong to established intellectual professions, such as clergy, lawyers, and academics, and who present themselves as politically independent while actually serving the interests of the dominant class by providing its rule with the legitimating frameworks of morality, philosophy, and culture. Traditional intellectuals can become organic intellectuals of a rising class, but only by making a conscious break with the social function that their professional position normally assigns them.

The concept of the organic intellectual offers a powerful framework for understanding Mahfuj Alam's political role. He is not an intellectual of the traditional Bangladeshi elite: he did not come from the urban middle class that typically produces the country's lawyers, academics, and public intellectuals, and he did not have access to the social networks and cultural capital that are the normal routes into the professional intellectual class in Bangladesh. He came from a rural, religious background, entered the secular university system through the specific path of Islamic education, and found in the political culture of student activism a form of intellectual life that was simultaneously engaged, practically focused, and theoretically serious.

In Gramscian terms, Alam functioned as an organic intellectual of his generation: a person who translated the experiences of young Bangladeshis who had grown up under the authoritarian governance of the Hasina period into a coherent political diagnosis and programme, who built the institutional networks of the Anti-Discrimination Students Movement through which that programme could be pursued, and who mediated between the specifically youth-oriented concerns of the student movement and the broader political aspirations of the coalition that made the July uprising possible.

Gramsci's concept of the "philosophy of praxis" is also relevant here. In Gramsci's account, the organic intellectual does not simply apply a pre-existing theoretical framework to political reality; rather, the intellectual work is itself practical, emerging from and serving the needs of political action. The theory and the practice are inseparable: the organic intellectual thinks through political action and acts through political thought. This describes Alam's intellectual practice with some accuracy. He was not primarily an academic theorist who descended into politics; he was a political organiser whose intellectual work, the study circles, the cultural magazine, the engagement with Islamic jurisprudence and secular constitutional theory, was always in service of the political project of democratic transformation.

33.2 Mannheim's Sociology of Generations: The July Generation

Karl Mannheim's seminal 1928 essay "The Problem of Generations" provides another foundational theoretical framework for understanding Alam's political significance. Mannheim argued that generations are not simply biological cohorts defined by date of birth; they are social and political formations constituted by the experience of specific historical events during the formative years of young adulthood. Events experienced during what Mannheim called the "fresh contact" period, roughly the ages of seventeen to twenty-five, make uniquely deep impressions on political consciousness because they are encountered with an openness and intensity that later experiences cannot replicate.

Mannheim distinguished between a "generation as actuality," a cohort of people who experienced the same historical events, and a "generation unit," a group within that cohort that develops a shared response to those events and a shared political orientation derived from them. Generation units are not automatic: not everyone of the same age who experienced the same events will develop the same political consciousness from those experiences. The development of a generation unit requires active political and cultural work, the building of shared frameworks of interpretation, shared institutional forms, and shared political commitments through which the raw material of generational experience is transformed into a political force.

Mahfuj Alam and his cohort represent, in Mannheim's terms, a particularly significant example of generation unit formation. They are the Bangladeshi generation that came of age politically during the Hasina period, who experienced the systematic suppression of political dissent, the manipulation of elections, the weaponisation of the legal system against critics, and the violence of the security apparatus against protesters. The July uprising of 2024, in which many of them risked their lives on the streets of Dhaka, was the constitutive event of their generation in the deepest Mannheimian sense: an experience that permanently marked their political consciousness and gave them a shared framework of values, grievances, and aspirations.

The July generation, in this analysis, is not simply the biological cohort of those born between approximately 1997 and 2006. It is a political formation defined by the experience of the uprising and by the specific political commitments, specifically the commitment to democratic accountability, press freedom, non-discrimination, and the rule of law, that the uprising embodied. Within this broader generation, Alam represents something like Mannheim's "generation unit leadership": the people who articulate the generation's experience in the clearest terms, build the institutional forms through which the generational experience becomes politically effective, and translate the generational energy into specific programmes of political action.

The comparative sociology of youth generations and political transformation has developed extensively since Mannheim's original formulation. The political sociologist Jack Goldstone, in his analysis of state fragility and revolution, has identified the "youth bulge" phenomenon, a demographic surplus of young adults relative to the number of available economic and political positions, as one of the structural drivers of political instability and revolutionary change in developing countries. Bangladesh in 2024 exhibited precisely this demographic profile: a young population with high educational attainment relative to available economic opportunities and with blocked channels of political participation, creating the structural conditions for the kind of political energy that the Anti-Discrimination Students Movement mobilised.

Ronald Inglehart's theory of value change and generational succession, developed through decades of comparative survey research in his work on "Cultural Evolution" (2018), provides a further dimension. Inglehart argues that economic development and rising education levels produce generational shifts in political values, from survival values focused on economic security and traditional authority to self-expression values focused on individual autonomy, political participation, and quality of life. Younger generations in economically developing societies, having grown up with higher living standards and educational levels than their parents, tend to have stronger demands for democratic participation and civil liberties.

The July generation in Bangladesh fits this pattern in important respects. They are more highly educated than any previous Bangladeshi generation, more connected to global information through digital media, more aware of international standards of democratic governance, and less willing to accept the political bargain of economic development in exchange for democratic suppression that the Hasina government had implicitly offered. Their specific demands, the anti-discrimination demands that initially drove the quota reform protests, and the broader democratic demands that the uprising articulated, reflected a generation whose expectations of political participation and fair treatment by state institutions exceeded what the existing political system was prepared to deliver.

33.3 Arendt's Political Action: Power, Plurality, and the Public Realm

Hannah Arendt's political philosophy, particularly her analysis of political action developed in "The Human Condition" (1958) and "On Revolution" (1963), provides a third foundational framework. For Arendt, genuine political action is the highest form of human activity, not because it achieves specific material goals but because it creates and sustains the public realm of appearances in which human beings reveal themselves to one another as unique individuals through their words and deeds.

Arendt's distinction between "work" (the fabrication of a durable world) and "action" (the capacity to begin something new) is particularly relevant to understanding what the July uprising represented in her terms. Political action, for Arendt, is always characterised by its unpredictability and its irreversibility: one acts without knowing what the consequences will be, and the consequences, once set in motion, cannot be recalled. The July uprising was a paradigmatic Arendtian political action: it was genuinely unpredictable, even to its organisers, that it would result in the fall of the Hasina government; and its consequences, once the uprising succeeded, could not be reversed.

Arendt's concept of "power" as distinct from "force" or "violence" is also illuminating. For Arendt, power is not the ability to coerce others but the capacity of people to act together in concert. It emerges wherever people gather together to pursue a shared purpose, and it evaporates as soon as people disperse or cease to act together. The July uprising generated enormous power in this Arendtian sense: the gathering of hundreds of thousands of young people in public spaces throughout Bangladesh, acting together in pursuit of the shared purpose of democratic accountability, created a political force that even the most powerful state apparatus could not indefinitely suppress.

Alam's specific role in the uprising, as coordinator of the liaison committee of the Anti-Discrimination Students Movement, placed him in the position of maintaining the institutional forms through which this Arendtian power was sustained and directed. His function was not so much to command the movement as to facilitate the coordination among different groups and organisations that allowed their collective power to remain coherent and purposeful rather than dissipating into fragmented and uncoordinated actions.

This facilitating, coordinating function is different from the heroic model of revolutionary leadership that popular accounts often project onto political figures. Alam himself has consistently resisted the heroic interpretation: when Muhammad Yunus described him as "the brain" or "the mastermind" of the revolution at the Clinton Global Initiative in September 2024, Alam's public response was characteristic in its deflection of personal heroism and its insistence on the collective character of the movement. The uprising was not the product of any individual's genius or planning; it was the product of the collective action of hundreds of thousands of young Bangladeshis who had reached the point of saying that the injustice they experienced was no longer tolerable.

CHAPTER THIRTY-FOUR: THE INTELLECTUAL FORMATION OF A POLITICAL PHILOSOPHER: SOURCES, SYNTHESSES, AND TENSIONS

34.1 Islamic Political Thought and Its Contemporary Relevance

Any serious account of Mahfuj Alam's political philosophy must begin with the intellectual tradition that formed him before he entered the secular university system: Islamic political thought in its classical and contemporary forms. His education at Gallak Darussunnat Alim Madrasa in Chandpur and Tamirul Millat Kamil Madrasa immersed him in a tradition of jurisprudential reasoning about the foundations of legitimate authority, the duties of rulers, and the rights and obligations of Muslim communities that stretches back fourteen centuries to the formative period of Islamic jurisprudence.

The classical Islamic political tradition, as developed by scholars from al-Farabi and Ibn Rushd through Ibn Khaldun to the great Ottoman and Mughal jurists, contains several concepts that are directly relevant to the political questions that Alam would later confront in practice. The concept of shura, consultation or deliberative governance, appears in the Quranic verse "their affair is (determined by) consultation among themselves" (42:38) and has been interpreted by Muslim political thinkers across many centuries as establishing a norm of participatory governance: that legitimate political authority requires some form of consultation with the community rather than merely the arbitrary will of the ruler.

The concept of maslaha, usually translated as public interest or public welfare, was developed by classical jurists including al-Ghazali, al-Shatibi, and Ibn Rushd as a criterion for evaluating both legal rulings and political decisions. The principle holds that Islamic law and governance must serve the genuine welfare of the community, and that interpretations or policies that fail to serve this welfare, or that impose hardship disproportionate to their benefits, are jurisprudentially

suspect. Maslaha as a concept provides a consequentialist dimension to Islamic political thought that sits alongside the deontological emphasis on following divine commands and precedents: it asks not only whether a practice is sanctioned by religious sources but whether it serves the genuine interests of the community.

The concept of *zulm*, oppression or injustice, and its political implications are particularly significant. The classical tradition is clear that a ruler who practices *zulm*, who uses power to harm rather than protect the community, violates the fundamental conditions of legitimate governance. The specific forms of *zulm* identified in the classical literature include the oppression of the poor by the wealthy, the abuse of judicial authority, the violation of public order, and the use of state power to terrorise rather than protect the population. The Quranic injunction to "command the right and forbid the wrong" (*amr bil-maruf wa-nahy anil-munkar*) was interpreted by many classical scholars as creating a communal obligation to resist tyranny, though the specific forms that resistance should take were themselves contested.

This classical vocabulary of Islamic political jurisprudence was not merely background noise in Alam's political formation; it was an active intellectual resource through which he understood and articulated the political situation of Bangladesh under the Hasina government. When he described the Hasina regime in public speeches as oppressive, as tyrannical, as having forfeited its legitimacy through the systematic abuse of state power, he was drawing simultaneously on secular liberal democratic theory and on the Islamic jurisprudential vocabulary of *zulm* and tyranny. The synthesis was not artificial: both traditions converge on the conclusion that political authority that systematically abuses those it governs has forfeited its claim to legitimacy and obedience.

Contemporary Islamic political thought has developed these classical concepts in response to the specific challenges of modern statehood, nationalism, colonialism, and democracy. The Egyptian scholar Yusuf al-Qaradawi, the Pakistani philosopher Muhammad Iqbal, the Iranian scholar Ali Shariati, and more recently the Moroccan philosopher Mohammed Abed al-Jabri have all contributed to a rich tradition of Muslim political philosophy that engages with modernity while maintaining continuity with classical Islamic jurisprudence. The concept of "Islamic democracy" or "democratic Islam," developed in various forms by scholars across the Muslim world, attempts to articulate a political vision that is simultaneously genuinely democratic and authentically Islamic: one that takes seriously the Islamic emphasis on justice, consultation, and the rule of law while embracing the modern democratic norms of competitive elections, civil liberties, and constitutional constraints on power.

Alam's intellectual position within this broader tradition can be characterised as post-Islamist in the sense developed by the sociologist Asef Bayat in his influential analysis of political change in Muslim-majority societies. Post-Islamism, as a political and intellectual condition, is not simply Islamism moderated or Islam depoliticised; it is rather a recognition that the project of the Islamic state, as conceived in the classical Islamist tradition from Mawdudi and Qutb onwards, has failed to deliver on its promises and that a different relationship between Islamic values and political institutions is required. Post-Islamist politics is characterised by commitment to democratic governance, civil liberties, and social pluralism, combined with an affirmation of

Islamic ethical values and an insistence that these values are compatible with and indeed supportive of democratic governance rather than hostile to it.

34.2 The Engagement with Secular Constitutional Thought: Law, Rights, and the Democratic State

Alam's legal education at the University of Dhaka immersed him in the secular constitutional tradition that has shaped Bangladeshi governance since independence. The curriculum of a Bangladeshi law department in the 2015-2020 period would have included constitutional law, which in Bangladesh means primarily the 1972 constitution and its amendments as interpreted by the Supreme Court; criminal law and procedure; civil law; international law; and jurisprudence, the philosophical study of the nature of law and its relationship to morality, society, and political authority.

In jurisprudence, students encounter the fundamental questions about the nature of law that have occupied Western legal philosophy since at least the debates between natural law theorists and legal positivists in the eighteenth and nineteenth centuries. The natural law tradition, associated in its modern form with thinkers including John Finnis, Lon Fuller, and Ronald Dworkin, holds that law has an inherent moral dimension: that certain fundamental moral principles are part of the nature of law itself, and that legal systems that violate those principles forfeit their claim to legal validity in the deepest sense. The positivist tradition, associated with Jeremy Bentham, John Austin, and H.L.A. Hart, holds that law is a social fact, a set of rules that are identified by their source in authorised legal institutions rather than by their moral content, and that the validity of law is a separate question from its moral evaluation.

These jurisprudential debates are not merely academic: they have direct implications for how one understands the obligation to obey the law, the legitimate scope of judicial review, and the relationship between constitutional provisions and moral principles. For a law student who is also grounded in Islamic jurisprudence, these debates have a particular resonance because Islamic fiqh itself occupies a position that cuts across the natural law-positivist divide: it is simultaneously a system of rules derived from authoritative sources (the Quran, the Hadith, and the scholarly tradition) and a system oriented toward the realisation of fundamental moral values (justice, welfare, protection of life, property, and honour).

The specific constitutional law curriculum that Alam would have encountered would have addressed the foundational documents of Bangladeshi constitutionalism: the 1972 constitution, the landmark cases including *Anwar Hossain Chowdhury v Bangladesh* (1989), the controversies surrounding the caretaker government system, and the growing jurisprudence of the Bangladesh Supreme Court on fundamental rights, public interest litigation, and constitutional review. This curriculum would have given him both a detailed understanding of the specific constitutional provisions and jurisprudential doctrines that governed Bangladeshi political life and a broader sense of the philosophical foundations of constitutional democracy.

His engagement with international law and human rights in the curriculum would have introduced him to the framework of international human rights, including the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, and the UN

human rights treaty system. This framework provided him with a vocabulary of rights, including the right to freedom of expression, the right to assembly, the right to a fair trial, and the right to political participation, that both informed his understanding of the specific injustices of the Hasina government and gave him tools for articulating what a just democratic order should look like.

34.3 The Bengali Cultural and Intellectual Tradition

A third formative intellectual tradition for Alam is the specifically Bengali cultural and intellectual heritage that has shaped political consciousness in the region for more than a century. The Bengal Renaissance of the nineteenth century, associated with figures including Rabindranath Tagore, Michael Madhusudan Dutt, and Bankimchandra Chattopadhyay, produced a distinctive Bengali intellectual culture that combined engagement with Western modernity, including Western philosophy, literature, and political thought, with a deep rootedness in Bengali linguistic and cultural identity.

This Bengali intellectual tradition has a specific political dimension that is directly relevant to Alam's formation. The Language Movement of 1952, the independence struggle of 1971, and the long tradition of Bengali literary and cultural engagement with political questions all contributed to a political culture in which intellectual work and political commitment were not separate spheres but intimately connected. The great Bengali writers and intellectuals, from Tagore's political essays to Syed Shamsul Haq's plays, from Shamsur Rahman's poetry to Humayun Ahmed's novels, were simultaneously literary achievements and political acts: interventions in the public life of the Bengali people.

Alam's engagement with this tradition is visible in his cultural work, particularly his editorship of the film magazine *Purbopokkho* (Eastern Perspective). The choice of a cinema magazine as a venue for intellectual and political engagement reflects a specifically Bengali cultural tradition in which film, literature, theatre, and other cultural forms have been understood as instruments of political consciousness-raising and cultural resistance. The Bengali cinema tradition, from Satyajit Ray's humanist films to the liberation war films of the 1970s, has been deeply engaged with political and social questions, and the study of film as a cultural and political medium is itself a form of political education.

The name *Purbopokkho* is itself culturally and politically significant. The "eastern perspective" or "eastern side" invokes simultaneously the geographical identity of East Bengal or eastern Bangladesh relative to the cultural centre of Kolkata and West Bengal, and a broader commitment to perspectives from the margins, from the periphery, from those who have historically been marginalised in cultural and political life. This subaltern perspective, this insistence on the value and validity of experiences and viewpoints that have been excluded from the dominant cultural and political narratives, is one of the most consistent themes in Alam's intellectual life.

The subaltern studies tradition, developed by historians and cultural theorists including Ranajit Guha, Partha Chatterjee, and Dipesh Chakrabarty, has had significant influence on intellectual life in Bengal and Bangladesh. The central insight of subaltern studies, that history and politics

are not simply the stories of elites and institutions but include the experiences and agency of those at the margins of power, is directly relevant to Alam's political project. His consistent advocacy for inclusive governance, for the representation of the historically marginalised in political institutions, and for a political culture that takes seriously the experiences of those whom the existing political system has failed, all reflect the subaltern studies perspective translated into political practice.

CHAPTER THIRTY-FIVE: DEMOCRACY AS A LIVING PROJECT: ALAM'S DEMOCRATIC THEORY IN PRACTICE

35.1 Beyond Formal Democracy: The Substantive Democratic Vision

Mahfuj Alam's repeated public statements about the goals of the July uprising and the interim government offer the clearest window onto his specific democratic vision. In his address at the Bangladesh Embassy in Washington D.C. in August 2025, marking the first anniversary of the uprising, he articulated the goal as the elimination of inequality and the establishment of a new political arrangement that would strengthen the democratic system. The goal of the interim government formed through the July Mass Uprising is to eliminate inequality and establish a new political arrangement in Bangladesh that will strengthen the democratic system. [New Age](#)

This formulation is philosophically significant in what it includes and what it excludes. It does not define the democratic project in purely procedural terms, as the holding of free and fair elections or the formal protection of civil and political rights. It defines it in terms of substantive equality and institutional transformation: the elimination of the structural inequalities that have prevented genuine democratic participation, and the creation of new political arrangements that will make democratic governance durable rather than cyclically undermined.

This substantive democratic vision reflects the influence of several theoretical traditions. The egalitarian liberalism of John Rawls, in his 1971 "Theory of Justice," holds that a just society requires not merely formal equality before the law but fair equality of opportunity: genuine equality of access to the social positions and political institutions that determine life prospects. The republican democratic tradition, in Philip Pettit's formulation, requires not merely the absence of actual governmental interference but the absence of the capacity for arbitrary interference: genuine democratic freedom requires institutional arrangements that prevent any actor from dominating others, not merely the absence of domination in a particular instance.

The specific content that Alam gives to his substantive democratic vision is informed by the specific conditions of Bangladesh. The structural inequalities he is concerned with are not merely economic, though economic inequality is certainly part of his concern; they are also institutional: the inequalities created by a political system in which access to justice, governmental services, and political representation has depended on partisan loyalty rather than citizenship rights. The anti-discrimination framework that gave the movement its name, targeting the quota system in government employment, was initially a specific demand about a specific institutional injustice; but as the movement developed, it became a broader framework for thinking about all the ways

in which the Bangladeshi state had systematically distributed opportunities and burdens on the basis of political affiliation rather than merit or need.

35.2 Political Pluralism and the Problem of the Awami League

One of the most politically controversial dimensions of Alam's democratic vision is his position on the Awami League and its exclusion from the 2026 elections. He has been among the most vocal proponents of the position that the Awami League should not be permitted to participate in elections, at least until its leaders have been held accountable for the violence committed during the July uprising. Only "pro-Bangladesh" parties will be allowed to contest elections in the country, he has stated, describing the Awami League as "anti-Bangladesh" and "fascist." [BD News 24](#)

This position raises fundamental questions about democratic theory and the principle of political pluralism. Liberal democratic theory, in its standard formulation, holds that competitive elections with multiple parties representing different political viewpoints are a necessary feature of democratic governance. The exclusion of any party from electoral competition, on whatever grounds, compromises the competitive character of elections and risks entrenching the power of those who make the exclusion decision.

At the same time, democratic theory has long recognised that not all forms of political organisation are compatible with democratic governance. The "militant democracy" concept, first articulated by the German jurist Karl Loewenstein in 1937 in response to the Nazi use of democratic procedures to undermine democracy, holds that democratic systems are entitled, and indeed obligated, to protect themselves against political movements that use democratic participation to destroy democracy itself. The post-war German constitution, the Basic Law of 1949, explicitly incorporated the militant democracy principle through its provisions for the banning of parties that seek to undermine the free democratic basic order.

The application of the militant democracy principle to the Awami League case in Bangladesh requires careful analysis. The Awami League under the Hasina government undoubtedly undermined democratic institutions in the systematic ways documented throughout this textbook. The International Crimes Tribunal's conviction of Sheikh Hasina for war crimes in November 2025, and the banning of the party under the Anti-Terrorism Act, represented the formal legal institutionalisation of the judgment that the party's conduct under Hasina had crossed lines incompatible with democratic participation.

But the theoretical and practical problems with the exclusion of a major political party from democratic competition are not eliminated by the seriousness of the crimes attributed to it. The Awami League represents the political preferences of a substantial portion of the Bangladeshi electorate. Its exclusion from the elections of 2026 meant that the constitutional and political settlement reached in those elections lacked the legitimacy that could only come from the genuine participation of all major political forces. The absence of the Awami League's participation in the political dialogue and the national election compounds the legitimacy tension: will a referendum, no matter how sophisticated, be able to compensate for the absence of a broader and inclusive political consensus? [The Diplomat](#)

Alam's own position on this question reflected a genuine philosophical commitment rather than mere political self-interest. His argument was not simply that the Awami League should be excluded to benefit the parties allied with the July movement; it was that accountability for the specific crimes of the uprising, specifically the killing of more than 800 protesters, was a prerequisite for the party's return to democratic competition. This argument draws on the transitional justice tradition: the principle that accountability for gross human rights violations is a necessary component of genuine democratic transition, and that impunity for state violence is incompatible with the rule of law.

The difficulty is that the line between transitional justice accountability and political exclusion is genuinely hard to draw in practice. The transitional justice literature, drawing on the experiences of post-apartheid South Africa, post-Pinochet Chile, post-Khmer Rouge Cambodia, and many other transitions, has developed sophisticated frameworks for balancing the demands of accountability with the requirements of democratic inclusion. These frameworks generally distinguish between the accountability of specific individuals for specific crimes and the exclusion of an entire political party from democratic participation. Holding Hasina and specific party officials accountable for the killings is different from banning the party itself and excluding all its members and supporters from political life.

Alam's position, as expressed in his public statements, was more absolute than most transitional justice frameworks would recommend. The characterisation of the entire Awami League as "anti-Bangladesh" and "fascist," rather than distinguishing between the party's leadership responsible for specific crimes and its broader membership, risked precisely the kind of political exclusion that democratic theory warns against. The challenge of drawing this line is one that post-authoritarian transitions have struggled with across the world, and Bangladesh's specific version of it will continue to shape the country's political landscape for years to come.

35.3 The "New Political-Economic Settlement": Economic Justice and Democratic Theory

Among the most intellectually substantive of Alam's political contributions is his concept of a "new political-economic settlement," which appears repeatedly in his public statements and which represents perhaps the most distinctively original element of his political philosophy. He has articulated his political position in terms of "a new political-economic settlement" being "possible and realistic," combined with "the policies I have advocated over the past one and a half years, in political, cultural, and intellectual spheres." [Dhaka Tribune](#)

The concept of a political-economic settlement draws on a body of scholarship in political economy and comparative politics that understands democratic governance not merely as a set of institutional arrangements but as a specific configuration of relationships between political institutions, economic interests, and social groups. The classic formulation of this idea is in John Ruggie's concept of the "embedded liberal" settlement of the post-war Western democracies: the compromise between capitalism and social democracy, between market efficiency and social protection, that enabled the stable democratic governance of Western Europe and North America in the three decades following World War Two. When that settlement broke down, under the pressures of the neoliberal turn of the 1980s, democratic governance itself was destabilised: the social coalitions that had supported it were disrupted, the economic security that had made

ordinary citizens willing to accept political institutions eroded, and the trust in political parties and governmental institutions that had sustained democratic participation declined.

Alam's invocation of a "new political-economic settlement" suggests an awareness that Bangladesh's democratic crisis is not simply a matter of institutional design, that the right constitutional provisions and regulatory frameworks will automatically produce democratic stability, but is also a matter of political economy: of the specific relationship between economic interests, political power, and social groups that makes democratic governance sustainable over time. The Bangladesh political economy under the Hasina government had been characterised by a specific settlement between the ruling party and the business class: large corporations received favourable treatment in terms of regulatory permissions, land allocation, and access to credit, in exchange for financial support for the party and compliance with its political direction. This settlement had generated economic growth but at the cost of economic equity, competitive markets, and the independence of the business class from political direction.

The "new settlement" that Alam was articulating would need to involve a different configuration: one in which economic opportunity was distributed more equitably, in which the business class was independent of political patronage rather than dependent on it, in which the economic gains of growth were shared broadly rather than concentrated among the politically connected, and in which the state provided genuine public goods, including quality education, healthcare, and infrastructure, rather than selectively distributing benefits to political loyalists. This is an ambitious programme, and Alam's articulation of it was more sketchy than systematic; but the basic insight that democratic governance requires a specific economic foundation is one of the most important contributions his political thinking makes.

The theoretical resources for developing this insight include Karl Polanyi's classic analysis in "The Great Transformation" (1944), which argues that the embeddedness of economic activity in social relationships and political institutions is a precondition for stable democratic governance, and that the project of "disembedding" markets from social control, the neoliberal project, generates the social dislocations and political instabilities that ultimately produce authoritarian responses. Polanyi's analysis is directly applicable to Bangladesh: the political economy of the Hasina period combined state-directed capitalism, in which the market was embedded in political patronage networks rather than genuine rule of law, with suppression of the social institutions, including independent trade unions, civil society organisations, and political parties, that provide the social embedding of economic activity in a democratic context.

35.4 Anti-Discrimination as a Political Philosophy: Beyond Identity Politics

The specific framework through which Alam and the Anti-Discrimination Students Movement articulated their political demands deserves sustained theoretical analysis, because it represents one of the most distinctive and intellectually significant aspects of the July uprising's political philosophy.

The quota reform demands that initially triggered the protests in 2024 concerned a specific institutional injustice: the reservation of a disproportionate share of government employment positions for the descendants of 1971 Liberation War veterans, at the expense of applicants

competing on merit. The specific injustice involved was one of institutional discrimination: a formal preference in state employment that benefited a politically defined category, the descendants of a specific historical group, at the expense of those without the relevant connection.

The theoretical framework of anti-discrimination that the movement deployed was not simply a demand for the removal of this specific preference. It was a broader political-philosophical claim about the relationship between citizens and the state: the claim that citizens are entitled to equal treatment by state institutions regardless of their political connections, family backgrounds, religious identities, or regional origins. This principle of non-discrimination is simultaneously a liberal principle, one of the core commitments of liberal political theory from John Locke through John Rawls, and an Islamic ethical principle: the Quranic affirmation of the equal dignity of all human beings before God (49:13) and the Prophetic hadith that "all people are equal as the teeth of a comb."

The synthesis of liberal and Islamic anti-discrimination principles in the movement's rhetoric was politically significant because it gave the movement a universalist appeal that transcended the specific religious or secular identities of its participants. The movement was not asking for the rights of Muslims, or for the rights of non-Muslims, or for the rights of any specific group. It was asking for the rights of citizens: the equal right to fair treatment by state institutions that belongs to everyone regardless of their particular identity.

This universalist anti-discrimination framework distinguishes the July movement's political philosophy from both the identity politics of many contemporary political movements, which focus on the specific grievances and demands of particular groups, and the nationalist politics of the established Bangladeshi parties, which define political community in terms of ethnic or religious solidarity. It represents instead a civic politics: a politics built around the shared identity of citizenship and the shared demands of equal rights and accountable governance.

The philosophical tradition most relevant to this civic politics is the one associated with Jurgen Habermas's concept of "constitutional patriotism": the idea that political community should be built around attachment to constitutional principles of rights and democracy rather than around ethnic, religious, or cultural identities. Habermas developed this concept in response to the German debate about national identity in the aftermath of the Holocaust, but it has become widely influential as a model for democratic politics in pluralist societies. The application of constitutional patriotism to the Bangladeshi context requires adaptation: the specific constitutional principles around which civic identity would be built must be authentic to Bangladesh's own cultural and historical experience rather than simply imported from Western models. But the basic insight, that a sustainable democratic politics must be built on the shared citizenship identity rather than on divisive cultural or religious identities, is deeply consonant with the July movement's political philosophy as articulated by Alam and others.

CHAPTER THIRTY-SIX: THE ETHICS OF POLITICAL ACTION: FROM UPRISING TO GOVERNMENT

36.1 The Weberian Framework: Ethics of Conviction versus Ethics of Responsibility

Max Weber's famous 1919 lecture "Politics as a Vocation" introduced a distinction between two ethics of political action that remains one of the most illuminating frameworks for understanding the choices that political actors face in difficult circumstances. The ethics of conviction (*Gesinnungsethik*) holds that political action should be guided by one's moral principles and commitments without regard to consequences: the morally right action is to do what your convictions require, and the consequences are God's business, not yours. The ethics of responsibility (*Verantwortungsethik*) holds that political actors must take responsibility for the foreseeable consequences of their actions: it is not enough to act from pure conviction; one must also attend to the likely effects of one's actions in the world and adjust one's conduct accordingly.

Weber did not believe that the two ethics could be simply combined or that one was simply superior to the other; he believed that mature political actors had to hold both simultaneously in a form of productive tension. The purely conviction-based politician, who acts on principle regardless of consequences, becomes politically irresponsible and potentially dangerous: their moral purity can produce catastrophic outcomes while they congratulate themselves on having kept their hands clean. The purely responsibility-based politician, who calculates consequences at the expense of principles, becomes morally corrupted: their endless pragmatic adjustments erode the values that gave their politics its initial meaning and energy.

This Weberian framework provides a powerful lens for understanding Alam's specific political choices and the tensions they generated. His decision to join the interim government as a student representative in November 2024 was itself a Weberian choice: he was moving from the ethics of conviction that had characterised the uprising, in which the moral demand for democratic accountability was pursued without political calculation, to the ethics of responsibility that characterised governmental action, in which every decision required balancing competing values and managing the consequences of specific institutional choices.

His subsequent role in the Information Ministry, in which he could achieve specific real improvements in press freedom, a 16-position improvement in the World Press Freedom Index, while also accepting institutional constraints that prevented him from implementing the full reform programme, represented a continuous negotiation between the conviction that full reform was morally required and the responsibility-based recognition that partial reform achieved was better than total reform unrealised.

The most ethically challenging dimension of this Weberian negotiation was the question of the Awami League's exclusion. Alam's conviction-based position, that the party responsible for killing more than 800 people should not be permitted to participate in elections before accountability had been achieved, was morally defensible on principle. But the responsibility-based question was whether the exclusion of the Awami League from the 2026 elections would actually produce better outcomes for Bangladeshi democracy than a more inclusive process that had allowed the party to participate while pursuing accountability through the legal system.

The responsibility-based case for inclusion was that the exclusion of a major political party would create a legitimacy deficit in the resulting constitutional and political settlement, that the

Awami League's millions of supporters would have no democratic channel for their political preferences, and that the resulting political polarisation would make democratic consolidation harder rather than easier. This is, in fact, the argument that much of the international community made, and it is consistent with the mainstream transitional justice literature's preference for legal accountability over political exclusion.

Alam's choice of conviction over responsibility on this specific question reflected a genuine philosophical commitment to the principle that accountability for mass killing must precede electoral rehabilitation, but it also reflected the specific political context in which he was operating: a context in which the victims of the uprising's violent suppression, and their families, expected that those responsible would be held to account before being allowed to return to power.

36.2 The Transition from Movement to Government: Theoretical and Practical Dimensions

The specific transition that Alam made from movement coordinator to government adviser is one of the most theoretically interesting aspects of his biography. The literature on social movement theory and political party development offers several frameworks for understanding this transition and its implications.

Sidney Tarrow's classic study "Power in Movement" (1994) develops the concept of "contentious politics" to describe the forms of collective action, including social movements, revolutions, and protest campaigns, through which ordinary people challenge political authorities. Tarrow's analysis identifies a characteristic cycle of contentious politics: a movement emerges in response to a political opportunity, builds momentum and achieves significant effects, and then either institutionalises itself through the creation of permanent organisations, including political parties and interest groups, or dissipates as the political opportunity closes.

The July movement's institutionalisation followed both paths simultaneously. One part of the movement institutionalised through the NCP, attempting to translate the movement's energy and legitimacy into organised electoral politics. Another part institutionalised through the interim government itself, with student representatives including Alam accepting governmental appointments that gave them direct access to the levers of state power. These two institutionalisation paths were in tension from the beginning: the NCP needed to maintain its independent identity and critical distance from the government in order to build a genuine electoral base, while the student advisers in the government needed to be seen as genuinely committed to the reform agenda rather than as merely career politicians exploiting the movement's legitimacy.

The sociologist Herbert Kitschelt's work on the transformation of social movements into political parties (1986) is directly relevant to understanding the NCP's trajectory. Kitschelt identified the specific institutional adaptations that social movements must make to become effective political parties: they must develop stable organisational structures, build financial resources independent of state patronage, develop comprehensive policy programmes that address a broad range of governmental concerns rather than a single issue, and build coalitions that extend beyond the movement's core constituency. The NCP's struggles in the lead-up to the 2026 elections, its need

to form an alliance with Jamaat-e-Islami despite the ideological incompatibility of that alliance, and its disappointing electoral performance of six seats, all reflect the difficulties of these institutional adaptations.

Alam's specific choice, which was to remain associated with the July movement's intellectual and political legacy without formally joining the NCP, while also leaving the government once the election was called, represents a third path: the path of the independent intellectual and political commentator who maintains continuity with the movement's values without committing to any specific party's institutional framework. His post-election Facebook statement, in which he declared himself to be in a "cold war" political context and committed to maintaining his own principled positions without taking sides, reflects this commitment to intellectual and political independence. "In this current chapter of history, Bangladesh is in a cold war. In this period, it is better to remain steadfast in one's principles and policies without siding with any faction. The potential of alternative youth/July forces is far from over. Rather, I will continue to uphold the policies I have advocated over the past one and a half years, in political, cultural, and intellectual spheres. If you care to join me, you are most welcome. A new political-economic settlement is possible and realistic. The rise of alternative and centrist youth/July forces is imminent." [Dhaka Tribune](#)

36.3 The Ethics of Political Leadership in a Revolutionary Context

The specific ethical demands of political leadership in a revolutionary context have been analysed by several important theorists whose work illuminates Alam's situation. Michael Walzer's analysis in "Just and Unjust Wars" (1977) developed the concept of moral agency in extreme circumstances: the idea that political and military leaders who take power in extraordinary situations are bound by moral principles but must apply those principles with sensitivity to the specific conditions of their situation. Walzer's "dirty hands" argument holds that genuine political leaders sometimes must do wrong in order to do right: they must sometimes violate moral principles, such as the principles of fair trial or political inclusion, in order to achieve the greater moral goods of justice, stability, and democratic governance.

The dirty hands argument, applied to Alam's situation, would suggest that his support for the exclusion of the Awami League from the elections, while morally costly from the perspective of democratic pluralism, might be justified by the specific circumstances: the acute legitimacy crisis of a party whose leadership had ordered the killing of hundreds of protesters, the genuine risk that the party's participation in elections would be used to obstruct the accountability process, and the specific political dynamics of a society where the perpetrators of mass violence were also the people in whose hands the electoral machinery had previously rested.

But the dirty hands argument also has limits. Walzer himself insists that the person who takes the dirty hands is genuinely morally compromised by the action, even if the action was justified: they have done wrong, and they must carry the weight of that wrongdoing, even if the consequences they achieved through it were better than the consequences of the morally cleaner alternative. The application of this to Alam's position suggests that his support for the Awami League's exclusion, however politically understandable in the specific context of the transitional period, carries a genuine moral cost that cannot be simply rationalized away.

The feminist political philosopher Joan Tronto's ethics of care offers a complementary perspective. Tronto's analysis in "Moral Boundaries" (1993) argues that ethical political action must be informed by care: by a genuine attentiveness to the specific needs, vulnerabilities, and experiences of those affected by political decisions. Applied to the Awami League exclusion question, the ethics of care would ask: what about the millions of Bangladeshi citizens who supported the Awami League, whose political preferences are now unrepresented in the new constitutional settlement? What about the Awami League party workers and ordinary members who were not personally responsible for the violence of the uprising but who are excluded from political participation along with its perpetrators? The ethics of care would insist that the costs of exclusion to these people must be taken seriously in any ethical assessment of the exclusion policy.

CHAPTER THIRTY-SEVEN: THE POLITICAL PHILOSOPHY OF CONSENSUS AND CONFRONTATION

37.1 Alam's Concept of Consensus: The July Proclamation and Its Methodology

One of the most substantive contributions Alam made to the political methodology of the transitional period was his insistence, in the context of the July Proclamation process, that the proclamation must be based on genuine consensus rather than being imposed by the government or by the student movement. "The government will not issue the proclamation. The government will help in the process. The proclamation will be based on a consensus among all," he stated at a press briefing in January 2025, articulating a methodological principle that distinguished his approach from the more top-down methods that characterised much of the transitional period's institutional design. [Prothomalo](#)

This commitment to consensus-based political process reflects a specific understanding of democratic legitimacy that draws on both the Islamic jurisprudential tradition of shura and the deliberative democratic tradition associated with Habermas. The key insight is that legitimate political decisions are not simply those made by authorised institutions following correct procedures; they are those that emerge from a genuine process of discussion and negotiation among all relevant parties, in which the resulting decision reflects a genuine meeting of minds rather than the imposition of one group's preferences on others.

The practical difficulties of achieving genuine consensus in a deeply polarised political environment are considerable. Consensus-building requires that all parties come to the negotiating table with a genuine willingness to compromise, that no party uses its superior bargaining power to dictate outcomes while calling the result consensus, and that the process is genuinely open to the possibility that no consensus will be reached and that disagreement must be acknowledged rather than papering over. Alam's articulation of the consensus principle in the July Proclamation context was genuine, but the subsequent political process, including the exclusion of the Awami League from the constitutional negotiations and the government's use of its media resources to promote the referendum yes vote, fell significantly short of the consensus ideal he had articulated.

This gap between the articulated principle and the achieved practice is not necessarily a sign of hypocrisy; it may reflect the genuine difficulty of maintaining principled commitments in the messy realities of transitional politics. The theoretical tradition of deliberative democracy, while insisting on the normative ideal of consensus-based legitimation, also acknowledges that approximations to the ideal are the best that practice can achieve, and that the gap between the ideal and the practice should be used as a critical standard for evaluating specific decisions rather than as a reason to abandon the ideal altogether.

37.2 The Confrontational Dimension: Anti-Fascism as Political Philosophy

Alongside his commitment to consensus, Alam's political philosophy includes a robust confrontational dimension: a willingness to name and oppose what he regards as genuinely anti-democratic forces in clear and uncompromising terms. His characterisation of the Hasina government as "fascist," his opposition to the Awami League's electoral participation, and his broader framing of the political conflict as one between pro-Bangladesh and anti-Bangladesh forces all reflect a confrontational political philosophy that is in tension with the consensus-building emphasis.

This tension is not unique to Alam; it is one of the fundamental tensions in democratic political philosophy, reflected in the debate between Habermasian deliberative democracy, which emphasises rational consensus among reasonable citizens, and the agonistic democracy theorised by Chantal Mouffe, which argues that political conflict is ineliminable and that the goal of democratic politics should not be consensus but the institutionalisation of conflict within democratic boundaries.

Mouffe's agonistic framework, developed in "The Democratic Paradox" (2000) and "Agonistics: Thinking the World Politically" (2013), argues that liberal democratic theory systematically underestimates the role of passion, identity, and collective antagonism in political life. For Mouffe, the construction of a "we" always involves the construction of a "them": political identity is constituted through the demarcation of frontiers between one political community and another. The challenge for democratic politics is not to eliminate this antagonism, which would require the elimination of politics itself, but to transform it: to convert enemies (those who must be destroyed) into adversaries (those who are opposed but whose right to existence and participation is respected).

Alam's political language at various points crossed the Mouffe boundary between adversary and enemy: the characterisation of the Awami League as "anti-Bangladesh" and "fascist" suggested not merely a political opponent with different values but an existential threat whose exclusion from political life was necessary for the survival of the democratic order. This language, while understandable given the specific context of the July killings and the fifteen-year authoritarian record of the Hasina government, risked entrenching precisely the kind of "politics of enmity" that Mouffe's agonistic framework identifies as incompatible with democratic governance.

The tension in Alam's political philosophy between the consensus principle and the confrontational anti-fascism principle is not resolvable through simple theoretical formulas. It reflects a genuine dilemma of democratic politics in the aftermath of authoritarian rule: how to

build a new democratic culture of pluralism and accommodation while simultaneously resisting the return to power of the forces responsible for the previous authoritarian period. The answer cannot be purely one of inclusion, because including the perpetrators of mass violence without accountability would undermine the democratic culture it is trying to build; nor can it be purely one of exclusion, because permanent political exclusion of large groups creates its own forms of democratic pathology.

37.3 The Cold War Metaphor and Its Implications

Alam's characterisation of Bangladesh's post-election political environment as a "cold war" is intellectually revealing. The cold war metaphor implies a state of structural antagonism between two major political forces, a sustained rivalry in which outright conflict is prevented by mutual deterrence and institutional constraints rather than genuine political reconciliation. Applied to Bangladesh's post-2026 political situation, the metaphor suggests that the underlying antagonisms between the July movement forces and the BNP's dominant political project remain unresolved despite the formal constitutional settlement, and that the coming years will be characterised by intense competition for political influence without the kind of genuine democratic reconciliation that would make competitive politics truly stable.

This analysis is sobering but arguably accurate. The BNP's supermajority government, however democratically elected, represents a political force whose relationship to the July uprising's reform agenda is at best instrumental: it supported the July Charter's provisions insofar as they served its own political interests and may resist those provisions that constrain its own power. The NCP's six-seat parliamentary presence, while symbolically significant as the first Gen Z political party in Bangladesh's history, gives it insufficient structural power to hold the BNP accountable for its charter commitments. And the Awami League's ban and the trials of its leaders create a political dynamic of suppression rather than reconciliation that risks producing a return to power at some future point under conditions of even greater political polarisation.

The theoretical literature on democratic consolidation, particularly the work of Juan Linz and Alfred Stepan in "Problems of Democratic Transition and Consolidation" (1996), emphasises that sustainable democracy requires not merely the formal establishment of democratic institutions but a process of democratic "crafting": the active negotiation of political agreements that give all major political forces a stake in the democratic system rather than incentives to undermine it. The cold war metaphor that Alam applies to Bangladesh's current political situation suggests that this democratic crafting has not yet occurred and that its non-occurrence represents the most serious ongoing challenge to the country's democratic future.

CHAPTER THIRTY-EIGHT: THE CONTROVERSY OF MAPS AND BORDERS: POLITICAL PHILOSOPHY AND NATIONAL IDENTITY

38.1 The December 2024 Incident and Its Significance

The December 2024 controversy in which Alam shared a Facebook image depicting northeastern India as part of Bangladesh, subsequently deleting the post and issuing a clarification, provides a window onto some of the most contested dimensions of his political thinking, specifically those concerning national identity, regional politics, and Bangladesh's relationship with India.

The immediate political context of the controversy was important. Alam claimed that the cultures of Northeast India and Bangladesh have been suppressed by "Hindu extremists" and "anti-Bengal attitude" of the upper-caste Hindus. Indian commentators saw it as a part of the Greater Bangladesh concept, with one editor commenting that Alam's "statement represents a direct threat to India's sovereignty." [Wikipedia](#)

The political and intellectual dimensions of this controversy are complex. The map controversy touched on one of the most sensitive geopolitical relationships in Bangladesh's external environment: its relationship with India. Bangladesh's relationship with India is both economically and strategically fundamental: India surrounds Bangladesh on three sides, is its largest trading partner, and played a decisive role in Bangladesh's liberation in 1971. At the same time, the relationship has been complicated by a range of historical and current issues, including the Hasina government's perceived excessive deference to Indian interests, the treatment of the Muslim minority in India, water-sharing agreements, and border security issues.

The cultural argument about the shared Bengali identity of West Bengal and Bangladesh, and the historical suppression of Bengali Muslim culture within the broader Indian national framework, is one that has circulated in certain sections of Bangladeshi intellectual and political culture for decades. The argument draws on the historical experience of Partition in 1947, which divided the Bengali-speaking population along religious lines, and on the continuing experience of Bengali Muslims as a minority within the broader Hindu-majority Indian polity.

From a theoretical perspective, the controversy illustrates the tension between the civic and ethnic conceptions of national identity that has been one of the central debates in nationalist theory since the work of Hans Kohn in the 1940s. Kohn distinguished between Western civic nationalism, which defines national identity in terms of citizenship, constitutional allegiance, and shared political values, and Eastern ethnic nationalism, which defines national identity in terms of shared ethnicity, religion, and cultural heritage. The civic conception is generally regarded in liberal democratic theory as more compatible with pluralism and individual rights; the ethnic conception tends to generate claims about the rights of "a people" that can come into conflict with the rights of individuals who do not belong to that people.

Alam's map controversy touched on elements of an ethnic nationalism that is in tension with the civic democratic pluralism that is the dominant strand of his political philosophy. The suggestion, however vaguely expressed, that Bengali Muslims in India and Bangladesh share a common identity that is suppressed within the Indian national framework reflects a communitarian conception of political identity that sits uneasily with his more consistent emphasis on citizenship rights, non-discrimination, and political pluralism.

His quick deletion of the post and his subsequent clarification that it was not intended to represent any territorial claim suggest that he recognised the political and philosophical problems

with the statement, even if the underlying anxieties about Indian cultural hegemony over Bengali Muslim identity that may have motivated the post were not entirely resolved. The incident serves as a reminder that even intellectually sophisticated political actors carry within them cultural anxieties and identity commitments that are not always fully consistent with their more carefully articulated political philosophy.

38.2 Bangladesh-India Relations in Theoretical Perspective

The broader question of Bangladesh's relationship with India deserves sustained theoretical analysis, because it has implications that go beyond any individual incident and that shape the broader context of Bangladeshi democratic politics.

The international relations theory literature offers several frameworks for understanding the India-Bangladesh relationship. The neo-realist framework, associated with Kenneth Waltz and John Mearsheimer, would emphasise the structural power asymmetry between India and Bangladesh and predict that the relationship will be characterised by India's exercise of regional hegemony and Bangladesh's attempts to either accommodate or resist that hegemony. The constructivist framework, associated with Alexander Wendt and others, would emphasise the role of shared identities, norms, and historical narratives in shaping the relationship, including the shared memory of 1971 liberation, the cultural ties between Bengali communities on both sides of the border, and the specific narratives about Indian-Bangladeshi relations that circulate in political culture on both sides.

The post-colonial theoretical framework, which emphasises the continuing influence of colonial power structures and their effects on the relationships between post-colonial states, would note that both India and Bangladesh are post-colonial states navigating relationships shaped by the specific legacies of British colonial governance, the Partition of 1947, and the continuing disparities of power, wealth, and global influence between the two countries.

What is important for understanding Alam's political philosophy in this context is the specific way in which he frames Bangladesh's relationship with India. His consistent emphasis on Bangladesh's cultural and political distinctiveness, his resistance to what he characterises as excessive deference to Indian interests, and his advocacy for a genuinely independent Bangladeshi foreign policy all reflect a political philosophy that insists on Bangladesh's sovereignty and self-determination while not necessarily advocating for hostility toward India. The distinction between sovereign independence and geopolitical hostility is one that thoughtful advocates of Bangladeshi political independence must maintain, and Alam's statements suggest an awareness of this distinction even when specific statements, such as the map controversy, blurred it.

CHAPTER THIRTY-NINE: GENERATIONAL POLITICS AND THE SOCIOLOGY OF POLITICAL TRANSFORMATION

39.1 The Global Context of Youth Political Mobilisation

The July uprising of 2024 in Bangladesh did not occur in isolation. It was one of a series of major youth-led political mobilisations that have occurred across the world in the 2010s and 2020s, from the Arab Spring of 2011 through the global climate strikes of 2019, the Hong Kong protests of 2019-2020, the Sudanese revolution of 2019, and the waves of protest against authoritarian governments in Belarus, Myanmar, and Thailand. Understanding Bangladesh's specific experience within this global pattern of youth political mobilisation is essential to grasping both its significance and its limitations.

The common features of this wave of youth mobilisations are striking. They are typically initiated by specific grievances, often relating to economic inequality, educational opportunity, political corruption, or environmental degradation, that resonate with the specific experiences of educated young people in countries where economic development has raised expectations but where political and economic systems have failed to deliver the opportunities and the voice that those expectations demand. They typically leverage digital communication technologies, particularly social media platforms, to organise, communicate, and disseminate information in ways that circumvent the information control mechanisms of incumbent governments. And they typically generate impressive initial mobilisations but face significant challenges in sustaining themselves and translating their energy into durable political change.

The political scientist Zeynep Tufekci's analysis of networked social movements in her 2017 book "Twitter and Tear Gas" provides the most theoretically sophisticated account of these dynamics. Tufekci argues that digital-age social movements have a distinctive character: they can organise large-scale mobilisations more quickly and with less organisational overhead than movements of previous eras, but they also tend to be more fragile and more vulnerable to co-optation or repression because they lack the dense organisational structures and the institutionalised internal decision-making processes that gave the social movements of the twentieth century their resilience.

The Bangladesh July movement fits this pattern in important respects. It mobilised with extraordinary speed and scale, using WhatsApp, Facebook, and other platforms to coordinate protests across the country. It achieved its immediate objective, the fall of the Hasina government, with a speed that surprised even its organisers. But the translation of this mobilisational success into durable institutional change proved significantly more difficult, as the subsequent struggles over the constitutional reform agenda, the July Proclamation, and the NCP's electoral performance all illustrated.

The comparative analysis of youth-led political movements and their long-term effects on democratic governance shows a mixed picture. The Arab Spring movements of 2011, which began with high expectations of democratic transformation, produced in most cases either authoritarian restoration, as in Egypt, or civil war, as in Libya, Syria, and Yemen. The exception, Tunisia, which achieved a genuine democratic transition before its subsequent reversal in 2021, illustrated both the possibilities and the fragility of post-Arab Spring democratic consolidation. The lessons drawn by political scientists from the Arab Spring experience have shaped the analysis of subsequent youth movements, including the Bangladesh July uprising, and have increased the emphasis on the importance of institutional design, elite negotiation, and economic conditions for the sustainability of democratic transitions.

39.2 The Gen Z Political Profile and Its Bangladeshi Expression

The global scholarship on Generation Z's political orientations, while primarily developed in Western contexts, provides frameworks that are partially applicable to the Bangladeshi context with appropriate modifications.

The most comprehensive recent analysis of Gen Z political orientations, developed through the PRRI's research programme and Melissa Deckman's "The Politics of Gen Z" (2024), identifies several characteristics of Gen Z political engagement in Western contexts: a strong commitment to diversity, inclusion, and anti-discrimination; a preference for issue-based engagement over party loyalty; high distrust of established political institutions combined with genuine commitment to democratic values in principle; and a distinctive digital-native approach to political communication and organisation.

The Bangladeshi Gen Z cohort represented by the July movement leaders shares several of these characteristics, particularly the anti-discrimination orientation, the distrust of established political parties, and the digital-native approach to political organisation. But it also diverges from the Western Gen Z profile in important ways. The Bangladeshi context has shaped a Gen Z political consciousness that is far more acutely aware of the costs of authoritarianism, having lived under the Hasina government's systematic suppression of political dissent; more attuned to the specific tensions between secular democratic values and Islamic cultural identity; and more directly confronted with questions of economic poverty and developmental underdevelopment that are less salient in the Western Gen Z political context.

The SANEM survey of Bangladesh's young population in June 2025 provides specific data on the NCP's support profile: the party's projected vote share was higher among young women and urban youth than among young men and rural youth. This pattern, with the NCP's strongest support coming from the urban, educated, and female sectors of the youth population, reflects a Gen Z political profile similar to that identified in Western research, where Gen Z women tend to be more politically engaged and more progressive than Gen Z men.

The ideological differences within the NCP's own coalition, with its alliance with Jamaat-e-Islami triggering resignations by members who found the alliance incompatible with the party's professed values of gender equality and democratic pluralism, illustrate the specific tensions that characterise Bangladeshi Gen Z politics: the tension between the anti-authoritarian, anti-discrimination, and women's rights dimensions of the July movement's political vision and the religious conservative dimensions of some of the movement's allies.

39.3 From Protest to Party: The Challenges of Political Institutionalisation

The transition from the Anti-Discrimination Students Movement to the NCP represents a specific instance of the general challenge identified in the social movement literature as "institutionalisation": the process through which a social movement creates permanent organisational structures capable of pursuing its goals over the long term. The challenges of institutionalisation for social movements have been extensively analysed, and the Bangladesh experience illustrates several of these challenges with particular clarity.

Herbert Kitschelt's framework for understanding the conditions under which social movements develop into effective political parties identifies three key variables: the opportunity structure of the political system, specifically whether there is space for new parties to compete effectively; the internal organisation of the movement, specifically whether it has the structures, resources, and leadership necessary for electoral competition; and the ideological orientation of the movement, specifically whether it can develop a coherent programme that extends beyond its founding issue to address the full range of governmental concerns.

The NCP's experience on all three dimensions was challenging. The political system's opportunity structure was partially open: the Awami League's banning created a vacuum in the political left and centre-left that the NCP might potentially fill, but the electoral system's geographic distribution of constituencies disadvantaged a party whose support was concentrated in urban areas and among specific demographic groups. The NCP's internal organisation was weak by the standards required for electoral competition: it had formed only eleven months before the election, lacked the financial resources, the grassroots organisational infrastructure, and the experienced electoral machinery that the BNP and even Jamaat brought to the contest. And its ideological orientation was genuinely confused by the alliance with Jamaat, which undermined the clarity of its anti-discrimination, gender-equality message.

The six-seat result, while symbolically significant, reflects these structural limitations. Despite the momentum and widespread support the student leaders enjoyed during the uprising, the NCP could not organise itself into a grassroots organisation capable enough for an electoral race to the parliament on its own. [Al Jazeera](#) This analysis, while accurate, should not be read as a definitive verdict on the NCP's long-term prospects. New parties frequently perform poorly in their first elections while building the organisational infrastructure and electoral base that enable stronger subsequent performances. The question is whether the NCP will use its parliamentary presence, however small, to build the kind of durable party organisation and clear ideological identity that would enable it to compete more effectively in future elections.

Alam's own trajectory, which involved stepping back from the NCP alliance with Jamaat while committing to continue "upholding the policies I have advocated" in political, cultural, and intellectual spheres, represents a third path between full party membership and political withdrawal. His articulation of "the rise of alternative and centrist youth/July forces" as "imminent" suggests a belief that the specific configuration of the 2026 election, including the NCP's Jamaat alliance and its resulting ideological confusion, does not represent the final political form of the July generation's political project. The emergence of a more clearly centrist, pluralist, and independently viable political force from the July generation remains, in his analysis, a genuine political possibility.

CHAPTER FORTY: THE ETHICS OF DEMOCRATIC DISCOURSE: COMMUNICATION, TRUTH, AND POLITICAL RESPONSIBILITY

40.1 Political Communication in the Digital Age

One of the most practically significant dimensions of Alam's political philosophy concerns his understanding of political communication and the responsibilities of political actors in a digital information environment. His specific roles, as coordinator of a student movement that relied heavily on digital communication, as editor of a cultural magazine, as a government adviser in the Information Ministry responsible for media regulation, and as a public intellectual who uses Facebook and other platforms for political communication, have all involved sustained engagement with the ethics of political communication.

The digital information environment in which Bangladesh's transitional politics has unfolded is characterised by features that create distinctive ethical challenges for political actors. The speed of digital communication enables misinformation to spread faster than correction. The algorithmic amplification of emotionally resonant content tends to favour outrage, conflict, and extreme positions over nuanced and qualified analysis. The collapse of the distinction between credible and non-credible information sources undermines the epistemological foundations on which democratic deliberation depends. And the ability to reach massive audiences without institutional intermediation simultaneously empowers democratic political voices and enables the spread of disinformation on a scale previously impossible.

Alam's own experience with these dynamics is instructive. His map controversy of December 2024, whatever its original intent, illustrated how quickly a single digital post could generate an international political incident, with Indian media outlets amplifying the post and framing it in the most politically alarming terms before Alam had the opportunity to contextualise or clarify. Dipanjan Roy Chaudhury, an editor of the Indian newspaper *The Economic Times*, claimed that Alam is a former member of the Islamist fundamentalist organization Hizb ut-Tahrir based on fake social media posts. Alam later refuted the claim on Facebook. [Wikipedia](#) The episode illustrates both the vulnerability of political actors to digital disinformation and the way in which social media can become a vector for cross-border political manipulation.

The philosophical framework most relevant to this dimension of Alam's political engagement is Habermas's theory of communicative rationality and its application to political discourse. Habermas argues that genuine democratic communication requires adherence to what he calls validity claims: claims to truth, rightness, and sincerity that speakers implicitly make whenever they engage in genuine communication. Communication that manipulates, deceives, or strategically withholds relevant information violates the validity claims of genuine communicative action and thereby undermines the epistemological foundations of democratic discourse.

Applied to the digital political environment, Habermasian communicative ethics would require political actors to maintain high standards of factual accuracy, to distinguish clearly between factual claims and value judgments, to acknowledge uncertainty and the possibility of error, and to engage with opposing arguments on their merits rather than dismissing them through rhetorical manoeuvres. These are demanding standards, and no political actor consistently meets them. But they represent an aspiration that distinguishes the practice of democratic political communication from the practice of authoritarian propaganda.

40.2 The Responsibilities of the Former Adviser: Accountability and Public Life

Alam's post-government phase raises its own specific ethical questions about political responsibility and public accountability. As a former government adviser, he carries both the experience and the reputation of his ministerial tenure. The specific decisions made during that tenure, both the achievements and the failures documented in Part Two of this textbook, are now part of the public record and will be evaluated by scholars, journalists, and future generations.

The philosophical tradition of political accountability provides frameworks for thinking about the ongoing responsibilities of former public officials. The republican tradition, with its emphasis on civic virtue and public service, holds that those who have held public office continue to owe duties to the public: to be accountable for their decisions, to support democratic institutions, and to contribute to public life through legitimate means. The liberal tradition, placing primary emphasis on individual freedom and private life, would be less demanding; but even the most thoroughgoing liberal framework acknowledges that former public officials carry reputational responsibilities that ordinary private citizens do not.

Alam's public commitment to continuing engagement with political, cultural, and intellectual questions in his post-government phase suggests a genuine commitment to ongoing political responsibility rather than withdrawal to private life. His framing of his future contribution in terms of upholding the principles he has advocated rather than joining any specific party organisation reflects a choice to exercise influence through intellectual and cultural work rather than through direct party political activity. This is a legitimate mode of democratic political engagement, with honourable precedents in the tradition of public intellectual political engagement from Alexis de Tocqueville through Vaclav Havel to Amartya Sen.

The specific conditions of Bangladesh's post-election political landscape make this kind of independent intellectual political engagement potentially valuable. The dominance of the BNP's supermajority creates a context in which independent voices that can articulate principles of democratic governance without institutional affiliation may play an important role as checks on the tendency of any political majority to use its power in self-serving ways. The ongoing development of the July generation's political project, which Alam clearly regards as unfinished and which the NCP's limited electoral performance has given a complex institutional form, requires intellectual and political leadership of precisely the kind that he appears to be positioning himself to provide.

CHAPTER FORTY-ONE: POST-ISLAMISM AND DEMOCRATIC PLURALISM: A THEORETICAL SYNTHESIS

41.1 The Post-Islamist Political Philosophy

The concept of post-Islamism, introduced earlier in this textbook, deserves sustained theoretical elaboration in the context of Part Four's analysis of Alam's political philosophy, because it may be the single most useful theoretical framework for capturing the distinctive character of his political orientation.

Asef Bayat's post-Islamist framework, developed in works including "Making Islam Democratic" (2007) and "Revolution Without Revolutionaries" (2017), describes a political and intellectual condition that emerged in the Muslim world in the late twentieth and early twenty-first centuries. Post-Islamism is not the abandonment of Islam as a political resource but its refashioning: the transformation of the utopian project of establishing an Islamic state according to a specific jurisprudential vision into a more modest but more durable engagement with existing political institutions on the basis of Islamic ethical principles.

Post-Islamist politics, in Bayat's analysis, typically emphasises: the compatibility of Islamic values with democratic governance and individual rights; the distinction between the Islamic state as a political project, which post-Islamists reject or deprioritise, and Islamic values as a basis for public ethics and political judgment, which they affirm; the acceptance of pluralism, including religious pluralism, as a feature of genuine democratic societies; and the prioritisation of social justice, development, and good governance over theological correctness as the primary criteria for evaluating political programmes.

Alam's political orientation clearly reflects several post-Islamist characteristics. His insistence that Bangladesh's constitutional order should accommodate religious identity within a pluralist framework rather than suppressing it in the name of secularism or enforcing it in the name of Islamism represents exactly the post-Islamist navigation between the secular-Islamic binary. His engagement with Islamic jurisprudential traditions as intellectual resources for thinking about justice, consultation, and accountability, rather than as the basis for a specific set of religiously mandated legal rules, is characteristically post-Islamist. And his consistent emphasis on democratic governance, civil liberties, and political pluralism as primary political values, rather than on the implementation of sharia as the primary goal of political life, aligns him with the post-Islamist rejection of the Islamist state project.

At the same time, the post-Islamist framework must be applied to Alam's case with appropriate caution. Post-Islamism, as Bayat developed the concept, was primarily a description of political movements and intellectual currents in the Arab world and Iran; its application to South Asian Islamic political thought, and specifically to Bangladeshi Islamic political culture, requires careful attention to the specific features of the South Asian context.

The South Asian Islamic tradition, shaped by the Deobandi, Barelvi, and Tabligh movements as well as by the specifically Bengali tradition of Islamic learning, has its own distinctive political orientations that do not map perfectly onto the Middle Eastern and Iranian post-Islamism that Bayat analyses. The Bangladeshi context, specifically, involves a majority Muslim population with a distinctive Bengali cultural identity that is itself a political resource: the Bengali linguistic and cultural identity that was the basis of the independence struggle of 1971 has a complex relationship with the Islamic identity that was the basis of the Pakistani state from which Bangladesh separated.

Alam's political philosophy navigates this complex Bengali-Islamic identity with characteristic sophistication. He is neither a Bengali nationalist who subordinates Islamic identity to Bengali secular nationalism, as the founding generation of Awami League leaders tended to do, nor an Islamist who subordinates Bengali cultural identity to a universal Islamic political project. He is,

instead, a political thinker who insists that both identities are genuine and both must be accommodated in a constitutional framework that treats all citizens equally regardless of their specific cultural or religious orientation.

41.2 Secularism, Religion, and the Constitutional Settlement

The specific question of the relationship between secularism and religion in Bangladesh's constitutional settlement has been one of the most contested dimensions of the constitutional reform debate, and Alam's contributions to this debate deserve careful analysis.

The Bangladeshi constitution's shifting treatment of the relationship between state and religion, from the secular founding in 1972 through the Islamisation of the Fifth Amendment in 1979 and the Eighth Amendment's declaration of Islam as state religion in 1988, to the Fifteenth Amendment's partial restoration of secularism alongside the retention of Islam as state religion, reflects the political and cultural tensions that run through Bangladeshi society. The constitutional reform debate of 2024-2026 engaged directly with these tensions, with different parties and stakeholders advocating for different resolutions.

The CRC's recommendations on religion and state, as reflected in the July Charter, sought a careful balance: maintaining the Fifteenth Amendment's restoration of secularism as a constitutional principle while also maintaining the provision recognising Islam as the state religion, an apparent constitutional contradiction that reflects the political reality that neither pure secular constitutionalism nor explicit Islamic constitutionalism commands a clear societal majority in Bangladesh.

Alam's position on this question, as expressed in various public statements, was consistent with a pluralist constitutionalism: a constitutional framework that creates no religious hierarchy among citizens, that protects the freedom of conscience and religious practice of all citizens equally, but that also does not require the suppression of religious identity from public life. This is a position similar to what Charles Taylor calls "open secularism" or "laicity" in his comparative analysis of secularism, in which the state is neutral between religious and non-religious worldviews rather than actively promoting either atheism or specific religious doctrines.

The theoretical foundations of this pluralist constitutionalism draw on multiple traditions: the liberal neutrality tradition in political philosophy, associated with John Rawls's argument that the state should maintain principled neutrality between different "comprehensive doctrines" of the good life, whether religious or secular; the republican tradition's insistence that civic identity should be based on shared political values rather than shared cultural or religious commitments; and the Islamic jurisprudential tradition's recognition of religious pluralism within the Islamic polity through the concept of *dhimma*, the rights and obligations of non-Muslim communities within a Muslim-majority state, a concept that has been reinterpreted by contemporary Muslim political theorists to support a more thoroughgoing democratic pluralism.

CHAPTER FORTY-TWO: THE SOCIAL FASCISM DISCOURSE AND THE POLITICS OF CULTURAL STRUGGLE

42.1 Social Fascism as Political Concept

Among the more distinctive and intellectually provocative elements of Alam's political vocabulary is his use of the concept of "social fascism" as a description of certain cultural and political attitudes in Bangladeshi society. The term "social fascism" has a complex history in leftist political theory: it was used by the Communist International in the late 1920s and early 1930s to describe the social democratic parties of Europe, whom the Comintern regarded as the most dangerous enemies of the working class because they gave capitalism a democratic face while helping to prevent genuine socialist transformation.

Alam's use of the concept is different from this Comintern usage. He has employed "social fascism" to describe not a political party but a cultural disposition: the tendency to enforce conformity, suppress dissent, and demonise the Other at the level of everyday social life rather than at the level of formal political institutions. In this sense, his concept of social fascism is closer to what the cultural theorist Umberto Eco described in his 1995 essay "Ur-Fascism" as the syndrome of characteristics that define a fascist sensibility: the cult of tradition and hostility to modernity, the rejection of critical thinking, the fear of difference, the appeal to frustrated middle classes, and the cult of heroism and death.

The political significance of targeting social fascism as distinct from formal political fascism is that it identifies the cultural prerequisites of authoritarian politics as a target of political struggle. Democratic institutions are not sustainable if the cultural values, the practices of intolerance, conformity, and demonisation of the Other, that make authoritarianism possible at the level of everyday social life continue to exist beneath the formal constitutional framework of democratic governance. The cultural struggle against social fascism is, on this analysis, a necessary complement to the institutional struggle for constitutional democracy.

This emphasis on cultural struggle reflects the influence of Gramsci's concept of hegemony: the idea that political power is not maintained solely through coercive force but through the cultural and ideological frameworks within which citizens understand their social world. A hegemonic bloc, in Gramsci's analysis, maintains its dominance not primarily by physically coercing dissent but by establishing the cultural framework within which the existing social order appears natural, necessary, and just. The challenge for counter-hegemonic politics is not merely to win elections but to transform the cultural framework itself: to create a new common sense in which democratic values, individual dignity, and social pluralism appear as natural and necessary as the authoritarian values they are challenging.

Alam's engagement with cinema, intellectual study circles, and cultural publication through Purbopokkho reflects exactly this Gramscian understanding of the cultural dimension of political struggle. Cultural production is not separate from political work; it is, in the Gramscian analysis, the terrain on which the deepest battles for democratic transformation are fought and won.

42.2 Reconciliation and the Politics of Care

Alongside his confrontational political language, Alam has also articulated a vision of reconciliation and care as essential dimensions of Bangladesh's political future. His December 2025 statement committed him to "reconciliation, and building a society of responsibility and care," suggesting an understanding of democratic politics that goes beyond the agonistic contest between political forces to include the social work of repairing the relationships damaged by years of political violence and polarisation.

The philosophical tradition of political reconciliation, developed in response to the specific challenges of post-conflict societies in South Africa, Rwanda, Northern Ireland, and elsewhere, emphasises that sustainable democracy in the aftermath of political violence requires not merely institutional reform and legal accountability but the social and psychological work of rebuilding relationships between groups that have been separated by conflict and mutual grievance. The Truth and Reconciliation Commission model, pioneered in South Africa by Desmond Tutu and Nelson Mandela, represents one specific institutional form for this work; but the underlying philosophical commitment to reconciliation goes beyond any specific institution to the more fundamental question of what kind of society is being built in the aftermath of violence.

Alam's articulation of "a society of responsibility and care" draws on what feminist political philosophers including Joan Tronto, Carol Gilligan, and Nel Noddings have called the ethics of care: the idea that political and social ethics must be informed by genuine attentiveness to the needs, vulnerabilities, and relationships of actual people rather than by abstract principles applied without regard to context. Applied to the Bangladeshi political context, an ethics of care would ask not merely what institutional arrangements are most consistent with abstract democratic principles, but who is suffering, who needs support, and what specific relationships of trust and mutual recognition need to be built to make democratic governance practically possible.

This emphasis on care and responsibility, while relatively underdeveloped in Alam's public statements relative to his more prominent themes of anti-fascism and democratic reform, represents one of the most politically important aspects of his emerging political philosophy. The rebuilding of Bangladesh's social fabric after years of political violence and polarisation requires precisely the qualities of care, responsibility, and attention to specific human needs that the ethics of care tradition emphasises.

CHAPTER FORTY-THREE: THE FUTURE OF THE JULY POLITICAL PROJECT: ALAM'S ROLE IN BANGLADESH'S LONG DEMOCRATIC TRANSITION

43.1 The Unfinished Revolution and the Long Game of Democratic Transformation

The conclusion of the transitional period in February 2026, with the election of a BNP supermajority government and the endorsement of the constitutional referendum, did not end the political project that Alam had helped to initiate. If anything, the election result created new challenges for that project: a new dominant party with a record of democratic governance that, while better than the Hasina government's, included its own episodes of authoritarian behaviour and institutional capture when the BNP had previously been in power.

The specific challenge for the July political project in the post-election period is how to maintain meaningful accountability for a government that holds a supermajority but that has committed to implementing a constitutional reform agenda designed precisely to constrain the exercise of supermajority power. The constitutional theory analysis of Part Three identified the structural risk that the BNP government would implement those elements of the charter that served its interests and resist those that constrained it. The political mechanism for preventing this selective implementation is a combination of judicial review, civil society monitoring, parliamentary opposition, and public pressure, all of which depend on the continued vitality of the organisations and networks built through the July movement.

Alam's articulation of "the rise of alternative and centrist youth/July forces" as imminent represents his specific political bet on how this challenge will be met. His vision, as expressed in his December 2025 statement, is of a new political force that is neither the NCP-Jamaat alliance, which has compromised the July movement's pluralist identity, nor a return to the traditional binary of BNP and Awami League, which would represent a failure of the revolution's transformative aspirations. It is a centrist, youth-led, democratically pluralist force that can articulate the July generation's political philosophy in a form that is electorally viable and institutionally sustainable.

The historical precedents for this kind of political project are mixed. The experiences of movements such as the Spanish Podemos, the Italian Five Star Movement, the Greek Syriza, and the French En Marche all illustrate both the possibilities and the limitations of new political movements that attempt to break the binary of established party competition. Some of these movements achieved significant electoral success; others generated internal contradictions, compromised their founding principles, or discovered that the political terrain was more resistant to fundamental transformation than their founding rhetoric had suggested.

The specific conditions of Bangladesh's political economy make the prospects for Alam's vision uncertain. The organisational infrastructures of the established parties, particularly the BNP, are deeply embedded in local political economies and patron-client networks that a new centrist movement would have to displace rather than simply replace. The electoral system, with its first-past-the-post constituencies, disadvantages new parties whose support is geographically dispersed rather than concentrated. And the political culture of Bangladesh, shaped by decades of zero-sum party competition and the use of state resources for partisan advantage, makes the kind of principled, issue-based democratic politics that Alam advocates difficult to sustain over the long term.

43.2 The Intellectual's Role in Democratic Transformation: Long-Term Contributions

The long-term significance of Mahfuj Alam's political contribution may lie less in his specific policy achievements during his government tenure, considerable though some of those were, and more in his role as an intellectual who has helped to articulate a new political language for Bangladeshi democracy.

The political philosopher John Dewey argued in "The Public and Its Problems" (1927) that the central challenge of democratic governance in complex modern societies is not the design of

institutions but the creation of a democratic public: a citizenry capable of identifying shared problems, deliberating about shared solutions, and holding governmental institutions accountable through informed engagement. Dewey's analysis suggests that the most important work of democratic politics is not electoral competition or institutional design but the long-term project of building a democratic culture: the habits, practices, and ways of thinking that make democratic governance genuinely participatory and genuinely responsive.

Alam's specific contributions to this project, through the Gurobar Adda study circles, the Purbopokkho cultural magazine, his public intellectual commentary on political events, and his articulation of a coherent political philosophy that synthesises Islamic jurisprudential, Bengali cultural, and democratic constitutional traditions, represent exactly the kind of democratic culture-building that Dewey's analysis identifies as foundational. These contributions may not generate immediate electoral results or institutional changes, but they shape the political consciousness of the generation that will carry the democratic project forward over the next two or three decades.

The Italian constitutional philosopher Gustavo Zagrebelsky's concept of "constitutional culture," developed in "The Gentle Republic" (1993), describes the shared values, practices, and understandings about constitutional governance that must exist in a society for constitutional institutions to function effectively. Constitutional institutions, on Zagrebelsky's analysis, are only as strong as the constitutional culture that sustains them: courts, parliaments, and regulatory agencies can only exercise their mandated functions effectively if citizens, politicians, and public officials share a genuine commitment to the constitutional principles those institutions embody.

Building Bangladesh's constitutional culture is a long-term project that requires exactly the kind of intellectual and political work that Alam has been doing: the articulation of democratic values in terms that resonate with Bangladesh's specific cultural and religious traditions, the translation of abstract constitutional principles into concrete institutional proposals, the organisation of study circles and cultural spaces in which young people can develop their democratic consciousness, and the modelling of democratic political practice through his own conduct as a public figure.

43.3 The Exemplary Dimensions of Alam's Biography: What His Story Teaches

The educational purpose of this textbook is served not only by the analysis of specific policies, constitutional provisions, and theoretical frameworks but by the exemplary dimensions of the biography it is studying: the ways in which Mahfuj Alam's life story illustrates more general truths about political life, democratic governance, and the ethics of political engagement.

Several such general truths emerge clearly from the biographical material examined in this part. The first is the importance of intellectual formation in shaping political effectiveness. Alam was not simply a charismatic mobiliser who rose to prominence through personal appeal; he was a person who had invested years in developing a sophisticated understanding of the political, legal, philosophical, and cultural dimensions of the questions he was engaged with. His ability to navigate the complex institutional and intellectual terrain of the transitional period reflected this preparation.

The second general truth is the importance of horizontal networks over vertical patronage. Alam's political power derived not from attachment to a powerful patron but from the network of peer relationships built through the Anti-Discrimination Students Movement and the associated intellectual and cultural circles. This horizontal social capital was both more resilient and more democratically healthy than the vertical patronage networks that characterise most of Bangladesh's political culture.

The third general truth is the unavailability of compromise in democratic politics, and the importance of distinguishing between compromises that serve democratic values and compromises that betray them. Alam's willingness to accept partial reforms rather than insisting on complete transformation, while maintaining the articulation of the full reform agenda as a long-term goal, represented the kind of principled pragmatism that democratic politics requires. His resistance to formal party affiliation despite institutional pressures to make such commitments represented a choice to maintain intellectual independence at the cost of immediate political influence.

The fourth general truth is the permanent tension between revolutionary energy and institutional stability. The July uprising generated extraordinary political energy, but the translation of that energy into durable institutional change required precisely the kind of careful, patient, institutional work that revolutionary energy tends to be impatient with. Alam's navigation of this tension, his willingness to work within institutional structures while maintaining the revolutionary commitment to their transformation, illustrates both the possibilities and the difficulties of this navigation.

The fifth general truth, perhaps the most fundamental, is the importance of taking ideas seriously in politics. Alam's specific contribution to Bangladesh's political life is inseparable from his engagement with intellectual traditions: Islamic jurisprudence, secular constitutional law, Bengali cultural criticism, democratic theory, and the global scholarship on political transformation. The quality of his political judgments reflects the quality of his intellectual formation, and his story suggests that the effort to think carefully about the ideas that inform political action is not a luxury but a necessity for anyone who aspires to contribute meaningfully to democratic governance.

CONCLUSION TO PART FOUR: THE PHILOSOPHER AS POLITICAL ACTOR

This fourth part of the textbook has examined the political philosophy of Mahfuj Alam from multiple analytical angles, drawing on theoretical frameworks from Islamic jurisprudence, Gramscian political theory, Arendtian political philosophy, Weberian political sociology, post-Islamist theory, feminist ethics, and the comparative sociology of generations and political movements. The examination has sought to reconstruct, from the fragmentary materials of public statements, policy decisions, and intellectual associations, a coherent account of the political philosophy that has guided Alam's remarkable trajectory from rural madrasa student to national political figure.

The political philosophy that emerges from this reconstruction is not a neatly systematic doctrine but a living, developing set of commitments whose specific application to concrete political situations continues to evolve. Its core elements, as identified in this part, include: a substantive democratic vision that goes beyond formal institutional arrangements to include the social and economic foundations of genuine democratic participation; a post-Islamist synthesis of Islamic ethical values and democratic constitutional commitments that is neither secularist nor Islamist in the conventional senses; an anti-discrimination framework that articulates the demands of democratic citizenship in terms that resonate with Bangladesh's specific cultural and religious diversity; a commitment to consensus-based political methodology qualified by a confrontational willingness to name and oppose genuinely anti-democratic forces; a recognition of the cultural dimension of democratic transformation, expressed through engagement with cinema, intellectual culture, and the ethics of political communication; and an understanding of the relationship between political action and intellectual work that reflects the Gramscian tradition of the organic intellectual.

The tensions within this philosophy, between consensus and confrontation, between Islamic values and secular constitutional commitments, between revolutionary aspiration and institutional pragmatism, between specific national commitments and democratic universalism, are not weaknesses to be apologised for but features of a genuine political philosophy that is responsive to the specific contradictions of its political context. A political philosophy that resolved these tensions too neatly, that provided a formula for every difficult choice, would be a philosophy that had lost its connection to political reality.

What Part Four ultimately argues is that Mahfuj Alam's significance for Bangladesh's democratic future lies precisely in the combination of intellectual seriousness, practical political experience, and moral commitment that his biography embodies. The democratic project is not simply a matter of institutional design, though Part Three showed how important that is; nor is it simply a matter of electoral competition, though the political sociology of Part Four showed how that works; it is also a matter of the kind of political philosophy and political culture that the participants in democratic life bring to their engagement with political questions. On that dimension, Alam's contribution, whatever its specific limitations and contradictions, represents a genuine resource for the project of democratic transformation in Bangladesh and beyond.

Part Five of this textbook will turn to the broader international and comparative dimensions of Alam's significance: his place within the global conversation about democracy, justice, and political transformation in the twenty-first century, the comparative analysis of his biography within the global wave of youth political leadership, the implications of Bangladesh's experience for international democratic theory and practice, and the specific lessons that Bangladesh's transitional period offers for students of democratic transition, constitutional design, and political philosophy in the global South.

Extended Bibliographic Note for Part Four

The theoretical and scholarly sources engaged in this part are numerous and reflect the deliberately multidisciplinary character of the political philosophy analysis undertaken here.

On the Gramscian tradition and the organic intellectual, the essential primary text is Antonio Gramsci's "Selections from the Prison Notebooks," edited by Quintin Hoare and Geoffrey Nowell Smith (1971). For contemporary applications of Gramscian theory to post-colonial politics, see Stuart Hall's essays collected in "Stuart Hall: Selected Writings" (multiple volumes) and Ernesto Laclau and Chantal Mouffe's "Hegemony and Socialist Strategy" (1985).

On Karl Mannheim's sociology of generations, the essential text is Mannheim's 1928 essay "The Problem of Generations," available in translation in "Essays on the Sociology of Knowledge" (1952). For contemporary applications, see Jose Ortega y Gasset's "The Modern Theme" (1923) and the more recent sociological analyses in Mike Savage's "Social Class in the 21st Century" (2015).

On Hannah Arendt's political philosophy, the essential texts are "The Human Condition" (1958), "On Revolution" (1963), and "The Origins of Totalitarianism" (1951). For contemporary engagements with Arendt's political philosophy, see Seyla Benhabib's "The Reluctant Modernism of Hannah Arendt" (1996) and Bonnie Honig's "Political Theory and the Displacement of Politics" (1993).

On Max Weber's political sociology, the essential text is "From Max Weber: Essays in Sociology," edited by H.H. Gerth and C. Wright Mills (1946), particularly the essays "Politics as a Vocation" and "The Protestant Ethic and the Spirit of Capitalism." For contemporary applications, see Wolfgang Mommsen's "The Political and Social Theory of Max Weber" (1989).

On post-Islamism, the essential texts are Asef Bayat's "Making Islam Democratic" (2007) and "Revolution Without Revolutionaries" (2017). For comparative post-Islamist political analysis in the South Asian context, see Naved Nasiri's "Political Islam in South Asia" (2018) and the essays collected in Irfan Ahmad and Hilmar Farid's "The Entangled Activist" (2021).

On the ethics of care and its applications to political theory, the essential texts are Carol Gilligan's "In a Different Voice" (1982), Joan Tronto's "Moral Boundaries" (1993), and Nel Noddings' "Caring: A Feminine Approach to Ethics and Moral Education" (1984). For the application of care ethics to political philosophy specifically, see Virginia Held's "The Ethics of Care: Personal, Political, Global" (2006).

On the sociology of social movements and the movement-to-party transition, the essential texts are Sidney Tarrow's "Power in Movement" (1994), Herbert Kitschelt's "The Logics of Party Formation" (1989), and the more recent Zeynep Tufekci's "Twitter and Tear Gas" (2017). For the specific analysis of youth-led movements in the digital age, see W. Lance Bennett and Alexandra Segerberg's "The Logic of Connective Action" (2013).

On the comparative analysis of Generation Z's political orientations, the essential recent texts are Melissa Deckman's "The Politics of Gen Z" (2024), the PRRI surveys on generational political

change available at prri.org, and the cross-national analyses in John Zaller's "The Nature and Origins of Mass Opinion" (1992) applied to generational contexts.

On the Islamic political philosophy tradition and its contemporary relevance, in addition to the sources cited in Part One, readers should engage with Mohammed Abed al-Jabri's "Democracy, Human Rights, and Law in Islamic Thought" (2009), Abdolkarim Soroush's "Reason, Freedom and Democracy in Islam" (2000), and Abdullahi Ahmed An-Na'im's "Islam and the Secular State: Negotiating the Future of Sharia" (2008).

On the specific questions of democratic consolidation, political culture, and the long-term sustainability of democratic transitions, the essential texts are Juan Linz and Alfred Stepan's "Problems of Democratic Transition and Consolidation" (1996), Larry Diamond's "The Spirit of Democracy" (2008), and the most recent empirical analyses available through the Varieties of Democracy (V-Dem) database at the University of Gothenburg, which provides the most comprehensive current data on democratic indicators across countries and time.

End of Part Four

Part Five: Bangladesh in the World: Democratic Transformation, Global Comparisons, and the Future of an Unfinished Republic, will examine Bangladesh's place in the global democratic landscape, compare its transitional experience with other democratic transitions globally, analyse the international dimensions of the July Revolution and its constitutional aftermath, engage with the implications of Bangladesh's experience for international democratic theory and practice, and offer a concluding assessment of Mahfuj Alam's significance as a political figure of the twenty-first century, and what his biography tells us about the possibilities and the limits of democratic transformation in developing democracies in an age of digital politics, global inequality, and the persistent challenge of building durable democratic institutions on the foundations of post-authoritarian political cultures.

PART FIVE: BANGLADESH IN THE WORLD: DEMOCRATIC TRANSFORMATION, GLOBAL COMPARISONS, AND THE FUTURE OF AN UNFINISHED REPUBLIC

Preface to Part Five

The four preceding parts of this textbook have traced Mahfuj Alam's biography from its origins in a rural madrasa in Lakshmipur District through the intellectual formation at Dhaka University, the organisational work of the Anti-Discrimination Students Movement, the revolutionary conjuncture of July and August 2024, the institutional architecture of the interim government, the specific challenges of media regulation and information governance during a political transition, and the political philosophy that has shaped Alam's approach to all of these endeavours. Part Five turns outward and forward. It situates Bangladesh's experience of democratic transformation within the global landscape of democratic politics in the mid-twenty-first century, comparing that experience with transitions in other parts of the world, examining the theoretical frameworks that help to explain both the achievements and the limitations of Bangladesh's transitional moment, and offering a concluding assessment of Mahfuj Alam's significance as a political figure of the twenty-first century.

This outward and forward turn is not merely a change of perspective. It is also a deepening. The particular and the universal illuminate one another. Bangladesh's experience teaches something about the possibilities and difficulties of democratic transformation anywhere. And the global literature on democratic transition, on comparative constitutionalism, on transitional justice, on media governance in fragile democracies, on the political sociology of youth leadership, and on the geopolitical dimensions of democratic change all offer resources that make Bangladesh's experience more intelligible. The ambition of Part Five is to achieve this dual illumination: to read Bangladesh through the world, and to read the world through Bangladesh.

Part Five is also, of necessity, the most forward-looking section of this textbook. The events with which it deals are recent, and in some cases their outcomes are not yet settled. The elections of February 2026, the constitutional referendum that accompanied them, the fate of the reform commissions established in September 2024, the question of what kind of democracy Bangladesh will have in five or ten years' time: all of these are matters of uncertain outcome about which analytical rigour requires a degree of intellectual humility. The task of this part is not to predict the future but to provide the analytical tools necessary to understand it as it unfolds, and to identify the factors and choices that will shape it.

CHAPTER FORTY-FOUR: THE GLOBAL DEMOCRATIC RECESSION AND BANGLADESH'S DISTINCTIVE PLACE WITHIN IT

44.1 The State of Global Democracy in the 2020s

Any serious analysis of Bangladesh's democratic trajectory must begin with an honest assessment of the global context within which that trajectory unfolds. The global context is, by any measure, discouraging. The optimism that attended the end of the Cold War, and that Francis Fukuyama famously articulated in his 1989 essay "The End of History?", in which liberal democracy appeared to be the final destination of political evolution, has been overtaken by two decades of disappointing evidence. Democracy has not triumphed globally. In many parts of the world, it has retreated.

The Varieties of Democracy (V-Dem) Institute at the University of Gothenburg, which maintains the most comprehensive empirical dataset on democratic quality across countries and time, reported in its 2025 Democracy Report that the average global level of liberal democracy is back to 1985 levels, measured by population-weighted averages. The report documented that freedom of expression was worsening in nearly a quarter of all countries in the world, setting a new absolute record over the preceding twenty-five years. Forty-five countries were identified as being in ongoing episodes of autocratization, while only nineteen were in ongoing episodes of democratization. Perhaps most strikingly, almost half of all autocratizing countries were increasingly deploying disinformation as a political tool, and a quarter of all countries were experiencing increasing political polarization of a kind that corrodes democratic culture and makes deliberative politics increasingly difficult.

The V-Dem Democracy Report 2026, drawing on data through 2025, reinforced these findings, concluding that nearly a quarter of the world's countries were undergoing autocratization in 2025, including several in Europe and North America. The report highlighted growing concerns about declines in democratic quality and increasing pressures on media freedom and journalists worldwide. These findings represent not a temporary dip but a sustained trend. Freedom House had already claimed by 2022 that the world had suffered sixteen consecutive years of democratic decline. The V-Dem team declared in 2023 that "advances in global levels of democracy made over the last 35 years have been wiped out."

The scholarly debate about these findings is sophisticated and ongoing. Some researchers, most notably Eric Little and Rory Meng in their 2024 methodological critique, have questioned whether the major democracy indices overstate the extent of global democratic decline because they rely on subjective expert assessments that may be biased by the heightened public discourse about democratic backsliding. Their argument is that a careful, objective reading of the underlying V-Dem data shows a somewhat less alarming picture than the V-Dem reports' own rhetoric suggests. This is an important methodological point. But even if we accept that the rhetoric of democratic catastrophe sometimes outruns the evidence, the evidence still shows a concerning trend.

The mechanism of democratic decline has been analysed extensively in recent scholarship. Nancy Bermeo's influential 2016 typology of democratic backsliding in the *Journal of Democracy* identified several distinct modes of democratic erosion: executive coups (sudden forcible seizures of power), democratic coups (military interventions to remove unpopular civilian governments), election-day vote fraud, strategic harassment and manipulation of opponents, executive aggrandizement (the incremental expansion of executive power at the expense of other institutions), and promissory coups (military interventions framed as temporary measures to restore democracy). Bermeo found that the most dangerous contemporary form of democratic decline was executive aggrandizement: the slow, legal, incremental dismantling of democratic checks and balances by elected leaders operating within democratic institutions.

This typology is immediately relevant to Bangladesh's experience. The Sheikh Hasina government's consolidation of power between 2009 and 2024 followed almost precisely the executive aggrandizement pattern. The abolition of the caretaker government system in 2011, the packing of the judiciary with loyalists, the use of the Digital Security Act to suppress press freedom and political dissent, the organisation of elections that were increasingly controlled by the ruling party, and the use of state violence against protesters: all of these represent the incremental, legally framed expansion of executive power that Bermeo identifies as the characteristic mode of democratic decline in the contemporary world. Bangladesh was not exceptional; it was following a global pattern that has also been observed in Hungary under Viktor Orban, in Turkey under Recep Tayyip Erdogan, in India under Narendra Modi's BJP government, and in a range of other countries where democratically elected leaders used their electoral mandates to systematically weaken the institutional safeguards of democratic governance.

What made Bangladesh distinctive was not the pattern of decline, which was common, but the response to that decline. The July 2024 uprising, led by students who confronted state violence

with remarkable courage and who ultimately succeeded in compelling the resignation of a leader who had ruled for fifteen consecutive years, represents a form of popular democratic resistance that is relatively unusual in the contemporary global landscape. Understanding why and how this resistance succeeded, and what lessons it holds for democratic politics more broadly, is one of the central analytical tasks of this part.

44.2 Bangladesh in the V-Dem Framework: A Longitudinal Assessment

The V-Dem dataset provides a systematic basis for assessing Bangladesh's democratic trajectory over the long term. The dataset measures democracy across multiple dimensions, including electoral democracy (the extent to which political leaders are accountable through elections), liberal democracy (the extent to which individual rights and the rule of law constrain executive power), participatory democracy (the extent to which civil society and ordinary citizens participate in political decision-making), deliberative democracy (the extent to which political decisions are made through reasoned deliberation rather than coercion or manipulation), and egalitarian democracy (the extent to which democratic rights and participation are distributed equally across social groups).

Bangladesh's scores on these dimensions have fluctuated significantly over its history, reflecting the country's oscillation between military rule, competitive authoritarianism, and periods of more genuinely competitive democratic politics. The period of the BNP-Awami League two-party democracy from the early 1990s through the late 2000s saw relatively higher scores on electoral democracy, though persistent lower scores on liberal democracy reflected the institutional weaknesses of this competitive authoritarian system. The period from 2009 onward, under Sheikh Hasina's increasingly consolidated rule, saw a progressive decline across all democratic dimensions, with particularly sharp declines in freedom of expression, judicial independence, and the integrity of electoral processes.

The events of August 2024 and the formation of the interim government represent an inflection point in this longitudinal trajectory. The preliminary V-Dem assessments and related analyses suggest that the transitional period saw some improvement in freedom of expression and political pluralism, as the suppression of dissent characteristic of the Hasina years was lifted. However, the analyses also noted emerging concerns about the treatment of Awami League members and supporters, the use of counter-terrorism legislation against political opponents, and the exclusion of major political forces from the constitutional reform process.

The February 2026 general election, which resulted in a landslide victory for the Bangladesh Nationalist Party led by Tarique Rahman and secured second place for Bangladesh Jamaat-e-Islami, represents the most significant formal democratic exercise of the transitional period. More than 127 million people were eligible to vote, making it one of the largest democratic exercises of 2026. The exclusion of the Awami League from this election, following the interim government's ban on the party under the Anti-Terrorism Act 2009 and the subsequent cancellation of the AL's electoral registration by the Election Commission, raises serious questions about the inclusivity of the democratic process that will be examined in detail in later chapters.

44.3 The Paradox of Democratic Rescue and Democratic Exclusion

The central paradox of Bangladesh's transitional period is one that recurs across the global literature on democratic transitions from authoritarian rule. It can be stated simply: the forces that rescue democracy from authoritarian consolidation often do so through methods that themselves raise democratic concerns. This paradox is not unique to Bangladesh. It appears in the transitions from military rule in Latin America in the 1980s, in the post-communist transitions in Eastern Europe in the 1990s, in the Arab Spring transitions of the early 2010s, and now in Bangladesh in the mid-2020s.

The theoretical framework most useful for understanding this paradox is the distinction between procedural democracy and substantive democracy. Procedural democracy refers to the formal mechanisms of democratic governance: elections, constitutional provisions, formal rights, and institutional structures. Substantive democracy refers to the actual exercise of democratic power by ordinary citizens, the meaningful accountability of leaders to those they govern, and the genuine protection of rights in practice rather than just in law.

The transitional period in Bangladesh has produced some procedural democratic advances: the establishment of reform commissions, the constitutional reform process, the organisation of elections, the restoration of press freedom from the most severe forms of Hasina-era censorship. But it has also produced procedural concerns: the ban on a major political party, the use of anti-terrorism legislation against political opponents, the death sentences issued by the International Crimes Tribunal against Sheikh Hasina in a proceeding that international observers found to raise fair trial concerns, and the concentration of effective political power in the hands of the interim government and its student political allies in ways that bypassed some of the normal constraints of democratic accountability.

The question whether these procedural concerns represent a genuine threat to democratic development, or whether they represent necessary, if imperfect, transitional measures to prevent the return of authoritarian rule, is one of the most contested questions in the analysis of Bangladesh's political trajectory. Different theoretical frameworks yield different answers. Those who follow a strict proceduralist liberal democratic theory, like Robert Dahl's polyarchy model or the proceduralist democratisation theory of Guillermo O'Donnell and Philippe Schmitter's 1986 "Transitions from Authoritarian Rule", tend to emphasise the importance of procedural inclusivity and to worry that the exclusion of the Awami League sets a dangerous precedent. Those who follow a more substantive or republican theory of democracy, like the theories of Philip Pettit or the participatory democratic tradition associated with Carole Pateman and Benjamin Barber, tend to emphasise the importance of breaking the institutional structures of authoritarian rule and to see the exclusion of a genuinely anti-democratic force as a necessary condition for democratic progress.

Mahfuj Alam's own position in this debate, as expressed in his public statements, has consistently aligned more closely with the substantive democratic perspective. His argument, articulated in various interviews and official statements during his tenure as Adviser for Information and Broadcasting, has been that the Awami League under Sheikh Hasina was not a legitimate democratic party but an authoritarian organisation that had used democratic

institutions to dismantle democracy, and that treating it as a legitimate democratic actor in the transitional period would not protect democracy but would enable its further degradation. This is a recognisable position within the comparative literature on transitional justice and democratic consolidation, and it has precedents in the treatment of collaborationist parties in post-World War II Europe and in the lustration policies of post-communist transitions in Eastern Europe.

44.4 The Third Wave Reversed: Autocratization Theory and Bangladesh

Samuel Huntington's famous periodisation of democratisation into waves, first articulated in "The Third Wave: Democratization in the Late Twentieth Century" (1991), provides a useful framework for situating Bangladesh's experience within global democratic history. Huntington identified three waves of democratisation separated by reverse waves in which democratic progress was rolled back by authoritarian restorations. The third wave, beginning with Portugal's transition in 1974 and extending through the transitions of Southern Europe, Latin America, East Asia, sub-Saharan Africa, and Eastern Europe, was the most extensive period of democratic expansion in human history.

The scholarly literature of the 2010s and 2020s has debated whether we are now experiencing what might be called a third reverse wave, a global period of autocratization that is reversing the gains of the third wave. The evidence is contested but substantial. The V-Dem data show a net decline in democratic quality in many third-wave democracies since the mid-2000s. Freedom House documents a sustained period of global democratic decline. The rise of what scholars call competitive authoritarianism, a regime type identified by Steven Levitsky and Lucan Way in their 2002 article and their subsequent book "Competitive Authoritarianism: Hybrid Regimes After the Cold War" (2010), in which formally democratic institutions coexist with systematic manipulation of the political playing field by incumbent parties, has been documented across many regions of the world.

Bangladesh under Hasina fits the competitive authoritarianism model almost precisely. The Levitsky-Way framework identifies four arenas in which competitive authoritarian incumbents typically abuse: electoral processes, the legislature, the judiciary, and the media. The Hasina government abused all four. Elections were held but were not free and fair, particularly the elections of 2014, 2018, and 2024, which were marked by the exclusion of meaningful opposition participation, ballot-box stuffing, voter intimidation, and the deployment of state resources for partisan advantage. The legislature became a rubber-stamp institution dominated by the ruling party after the BNP's boycott of the 2014 elections. The judiciary was increasingly subordinated to executive preference through the appointment of loyalist judges and the intimidation of independent ones. The media were subjected to the Digital Security Act and other legal instruments that criminalised criticism of the government, and journalists who violated these constraints faced arrest and imprisonment.

The process by which Bangladesh entered into this competitive authoritarian pattern, and the process by which the July 2024 uprising attempted to break it, thus follow a well-documented global template. But Bangladesh's experience also has features that distinguish it from the template, features that offer valuable lessons for democratic theory and practice.

CHAPTER FORTY-FIVE: COMPARATIVE DEMOCRATIC TRANSITIONS: HISTORICAL AND CONTEMPORARY PARALLELS

45.1 The Literature on Democratic Transitions

The scholarly field of transitology, the systematic comparative study of transitions from authoritarian rule to democratic governance, is one of the most developed areas of comparative politics. Its foundations were laid by the landmark four-volume work edited by Guillermo O'Donnell, Philippe Schmitter, and Laurence Whitehead, "Transitions from Authoritarian Rule" (1986), which established the analytical framework of pacts, elite negotiations, and the structural conditions of democratic transition that dominated the field for more than a decade. Subsequent contributions by Juan Linz and Alfred Stepan, "Problems of Democratic Transition and Consolidation" (1996), by Larry Diamond, "Developing Democracy: Toward Consolidation" (1999), and by more recent scholars like Barbara Geddes, Joseph Wright, and Erica Frantz, "How Dictatorships Work: Power, Personalization, and Collapse" (2018), have refined and expanded the framework.

The transitology literature identifies several major types of democratic transition. The pacted transition involves negotiated agreements between incumbent elites and opposition forces about the terms under which authoritarian rule will end, with both sides accepting limits on their goals in exchange for guarantees about their future security and political participation. Spain's transition from Francoism in the 1970s, often held up as the paradigmatic pacted transition, involved exactly this kind of negotiated settlement between Francoist elites and democratic opposition leaders. The ruptura transition, by contrast, involves a more decisive break with the authoritarian regime, in which the capacity of authoritarian elites to shape the transition is severely limited by the mobilising power of democratic forces. Portugal's 1974 revolution and many of the East European transitions of 1989 had more of this character.

Bangladesh's July 2024 transition is more closely aligned with the ruptura model than the pacted model. The resignation of Sheikh Hasina was not the product of elite negotiations but of mass popular mobilisation that stripped the regime of the social and political legitimacy necessary for its survival. The army chief's announcement that he was "taking full responsibility" following Hasina's departure, and the swift formation of the interim government under Muhammad Yunus, represented a relatively rapid collapse of authoritarian power rather than a negotiated settlement. This is significant because the transitology literature generally holds that pacted transitions are more likely to produce stable democratic outcomes than ruptura transitions, because they secure the acquiescence of key elite groups who might otherwise destabilise the democratic transition. The challenge for Bangladesh's democratic consolidation is thus how to build stable democratic institutions in the aftermath of a relatively rapid authoritarian collapse, without the elite guarantees that pacted transitions typically provide.

45.2 The Eastern European Transitions of 1989: Lessons for Bangladesh

The collapse of communist regimes in Eastern Europe in 1989 offers a particularly rich set of comparisons for Bangladesh's 2024 experience, both because of the structural similarities between the two sets of transitions and because the Eastern European transitions have been studied in sufficient detail to generate robust lessons.

The Eastern European transitions of 1989 varied considerably in their character. The Polish transition, which involved extensive negotiations between the communist government and the Solidarity movement, had pacted elements. The Romanian transition, which culminated in the execution of Nicolae and Elena Ceausescu on Christmas Day 1989, had a more violent and ruptured character. The Czechoslovak "Velvet Revolution" combined mass popular protest with rapid elite defection and produced one of the most successful transitions to consolidated democracy.

Several features of the 1989 transitions are instructive for Bangladesh. First, the importance of civil society organisations as incubators of democratic leadership and democratic culture. In Poland, Solidarity had spent a decade building alternative social institutions, trade unions, underground publications, and educational networks that provided both the organisational infrastructure and the human capital for democratic governance. In Czechoslovakia, Charter 77 and related intellectual dissident networks had kept alive a democratic culture during decades of communist rule. In Bangladesh, the Anti-Discrimination Students Movement, the Gurobar Adda study circles, the Purbopokkho cultural magazine, and the broader intellectual networks within which Mahfuj Alam operated represent analogous institutions of democratic civil society formation, though less institutionally developed than their Eastern European counterparts because Bangladesh's pre-transition period did not permit the kind of sustained civil society organising that Poland and Czechoslovakia had experienced.

Second, the Eastern European transitions highlight the importance of the historical memory of democratic governance as a resource for democratic transition. The Czech, Polish, and Hungarian transitions could draw on living memories of democratic governance, however brief and imperfect, from the interwar period. Bangladesh's democratic memory is more complex: the country has had periods of competitive parliamentary democracy, but these have always been marred by political violence, institutional weakness, and partisan abuse of state power. The founding moment of 1971 provides a powerful national myth of liberation and popular sovereignty, but its translation into democratic institutional norms has been repeatedly frustrated by military coups, constitutional manipulation, and competitive authoritarian politics. The July 2024 revolution has been consciously framed by its leaders, including Alam, as a "second liberation" that recovers and completes the unfulfilled democratic promise of 1971: this framing is analytically significant because it attempts to create a founding democratic memory of the same kind that supported transitions in Eastern Europe, but its success depends on whether the political institutions and practices that follow actually embody the values the framing claims.

Third, the Eastern European transitions illustrate both the possibilities and the dangers of lustration, the legal and administrative exclusion of those associated with the former authoritarian regime from positions of public trust and political participation. Lustration policies in Poland, Czechoslovakia, Germany, and the Baltic states generated extensive debates about the tension between accountability for past crimes and the requirements of democratic inclusion.

Some scholars, most prominently Ruti Teitel in "Transitional Justice" (2000), argued that lustration was a necessary component of the rule of law in the transition context, holding past wrongdoers accountable and clearing the path for democratic governance. Others, like Jon Elster in "Closing the Books: Transitional Justice in Historical Perspective" (2004), worried that lustration policies could be weaponised for partisan purposes and could set dangerous precedents for the exclusion of political opponents. The ban on the Awami League in Bangladesh raises precisely these issues, and the Eastern European experience suggests that the devil is in the details: the fairness, proportionality, and legal integrity of the exclusionary measures are critical to whether they enhance or undermine democratic legitimacy.

45.3 The Arab Spring Transitions: A Cautionary Comparison

The Arab Spring uprisings of 2010 to 2012 offer a different, and in many respects more sobering, set of comparisons for Bangladesh. The uprisings in Tunisia, Egypt, Libya, Syria, Bahrain, and Yemen were all, in different ways, popular revolts against authoritarian rulers, and they all produced dramatic political changes. But the outcomes were radically different across cases. Tunisia produced the only relatively successful democratic transition of the Arab Spring, though that transition has itself been severely tested by the consolidation of power by President Kais Saied since 2021. Egypt's transition ended with the military coup of 2013, which installed General Abdel Fattah el-Sisi in a new authoritarian consolidation more brutal than the Mubarak regime it replaced. Libya descended into civil war. Syria became the site of one of the most catastrophic humanitarian crises of the twenty-first century. Yemen has been devastated by a proxy war.

The comparative lesson that the Arab Spring offers for Bangladesh is not that popular uprisings inevitably fail, as Tunisia's initially successful transition demonstrates. Rather, it is that popular uprisings are necessary but not sufficient conditions for democratic transition. The critical variables that determine whether an uprising produces democratic consolidation or authoritarian restoration include: the strength and organisational capacity of the democratic forces that led the uprising, the degree to which the military and security services are committed to a democratic transition rather than to a restoration of authoritarian stability, the availability of a legal and constitutional framework that can channel transitional politics into democratic institutional forms, the capacity of democratic leaders to manage economic challenges during the transition, and the degree to which international actors support rather than undermine the democratic process.

Bangladesh's transitional situation differs from the Arab Spring cases in several important respects. The military, while remaining politically influential, has thus far not attempted to seize power directly, as the Egyptian army did in 2013. The Chief Adviser Muhammad Yunus's international reputation and connections have provided the transitional government with a degree of international legitimacy and support that most Arab Spring governments lacked. The existence of a functioning constitutional and legal system, however flawed, provides a framework for the transition that was absent in Libya and Syria. And the organisational capacity of the student movement, while limited by comparison with established political parties, provided a more coherent political force behind the transitional government than was available in most Arab Spring contexts.

But Bangladesh also shares vulnerabilities with the Arab Spring cases. Economic instability, including the inflation that peaked at 11.7 percent in July 2024 and the banking sector difficulties produced by years of politically connected corruption, creates the social conditions for disillusionment with the transitional government. The proliferation of around twenty new political parties in the aftermath of the uprising, while a sign of political pluralism, also creates a fragmented political landscape that can make stable democratic governance difficult. The unresolved tensions between the student movement's maximalist demands, including calls for a constituent assembly and a "Second Republic", and the more cautious approach of established political actors like the BNP, create a political fault line that could destabilise the transition.

45.4 South Korea and Taiwan: Democratic Success Stories from Asia

For a more optimistic set of comparisons, one can look to South Korea and Taiwan, two Asian societies that successfully transitioned from authoritarian rule to consolidated liberal democracy in the 1980s and 1990s and have largely maintained that democratic achievement, despite facing significant challenges in recent years.

South Korea's transition from the authoritarian developmental state of Park Chung-hee and his successors to a competitive democracy was driven in significant part by student movements, precisely the kind of youth-led popular mobilisation that characterised Bangladesh's July 2024 uprising. The June Democracy Movement of 1987, in which massive popular protests forced the ruling Chun Doo-hwan government to accept democratic reforms, bears a striking structural resemblance to the July 2024 movement in Bangladesh: both were led predominantly by students, both confronted state violence with popular resistance, and both succeeded in compelling authoritarian governments to accept democratic transitions.

The lessons from South Korea's democratic trajectory are instructive. South Korea's democratic transition was followed by a period of vigorous constitutional politics in which the formal commitments of the 1987 constitution were progressively given substantive content through judicial interpretation, legislative reform, and the development of civil society. The Constitutional Court of Korea, established in 1988, became one of the most active and influential constitutional tribunals in Asia, striking down laws that violated constitutional rights and developing a sophisticated jurisprudence of constitutional democracy. The progressive institutionalisation of democratic governance over the following decades produced a system that was sufficiently robust to survive significant political challenges, including the impeachment of President Park Geun-hye in 2017 and, remarkably, the self-inflicted constitutional crisis created by President Yoon Suk-yeol's brief declaration of martial law in December 2024, which was swiftly reversed by the National Assembly and resulted in Yoon's impeachment and criminal prosecution.

The South Korean case offers Bangladesh several specific lessons. First, a strong and independent constitutional court is a critical institution for democratic consolidation, providing a non-partisan arbiter of constitutional disputes that prevents the politicisation of the constitutional order. Bangladesh's Supreme Court has played this role in some historical periods but has been subject to executive interference in others, and the reform of the judiciary is one of the most critical institutional tasks of the transitional period. Second, the progressive institutionalisation of

civil society, through the development of independent trade unions, professional associations, media organisations, and advocacy groups, provides the social foundations that make formal democratic institutions meaningful. Third, the transition from a movement-based politics of popular mobilisation to a party-based politics of electoral competition requires careful management of the expectations and demands of movement participants, who may feel that electoral democracy is a dilution rather than a fulfilment of their goals.

Taiwan's democratic transition, which proceeded more gradually through the liberalisation policies of Chiang Ching-kuo in the 1980s and the full democratisation under Lee Teng-hui in the 1990s, offers a different model: the gradual, top-down liberalisation of an authoritarian developmental state, in which the ruling party itself managed the transition to democracy rather than being swept away by it. This model is less directly relevant to Bangladesh, where the ruling party was not managing a controlled transition but was confronting a popular uprising that it sought to suppress. But Taiwan's post-transition experience of managing the polarisation between the pro-independence and pro-unification camps of its political culture, and the maintenance of democratic governance in the face of an extraordinarily challenging geopolitical environment, offers lessons about the management of deep political divisions within a democratic framework.

45.5 The African Democratic Wave and Its Reversals

Sub-Saharan Africa provides another set of comparisons that illuminate different dimensions of Bangladesh's democratic challenge. The wave of African democratisation in the early 1990s, driven by popular pressure, international democratic conditionality, and the end of Cold War support for authoritarian allies, produced a large number of formal democratic transitions. But the outcomes have been highly variable. Some African democracies, most notably South Africa, Botswana, Ghana, and Mauritius, have developed relatively robust democratic institutions. Others, like Zambia, Kenya, and Zimbabwe, have experienced competitive authoritarian consolidations similar to Bangladesh's Hasina-era trajectory. Still others, like Mali, Burkina Faso, Guinea, and Niger, have experienced military coups that have ended formal democratic governance entirely.

The African experience highlights two lessons particularly relevant to Bangladesh. First, the relationship between economic development and democratic consolidation is complex. The classic modernisation theory, associated with Seymour Martin Lipset's 1959 article "Some Social Requisites of Democracy," holds that economic development creates the social conditions for democratic stability: a large middle class, higher levels of education, and reduced economic desperation among the poor. But the African experience shows that this relationship is not automatic. Countries with significant economic development, like Kenya, have nevertheless experienced competitive authoritarian politics. Countries with limited economic development, like Botswana, have maintained democratic governance. The quality of institutions, the political culture, and the choices of political leaders matter independently of the level of economic development.

Second, the African experience highlights the importance of regional and international support for democratic transitions. The democratic transitions in Southern Africa were supported by the

international sanction campaign against apartheid South Africa and by the regional democratic norms developed by the Southern African Development Community. The transitions in West Africa were supported by the economic conditionality of the IMF and World Bank and by the democratic norms of the Economic Community of West African States (ECOWAS). Bangladesh's democratic transition is situated in a region, South Asia, where regional support for democratic governance has been less consistent. India's complex relationship with Bangladesh, which will be examined in detail in Chapter Fifty-One, has historically been more focused on strategic interests than on democratic norm promotion, and the other countries of South Asia offer mixed models of democratic governance ranging from India's contested democratic status to the near-authoritarian consolidations of Pakistan and the smaller states.

CHAPTER FORTY-SIX: THE JULY REVOLUTION IN INTERNATIONAL PERSPECTIVE: PRECEDENTS, PARALLELS, AND PECULIARITIES

46.1 The July Revolution as a Global Event

The July 2024 uprising in Bangladesh was not merely a Bangladeshi event. It was an event that resonated globally, both because of its scale and drama (the deaths of more than 1,400 civilians in state violence, the extraordinary courage of young protesters who stood unarmed before armed security forces, the televised resignation and flight of Sheikh Hasina) and because it touched on themes, of youth political mobilisation, digital activism, state violence against protesters, and the fragility of authoritarian power, that are globally salient.

The uprising generated extensive international commentary. Western governments broadly welcomed the removal of the Hasina government and expressed support for the democratic transition, though their public statements were often cautious, reflecting the complex strategic interests involved. India, with its close historical ties to the Hasina government and its concerns about border security, refugee flows, and the status of the Hindu minority in Bangladesh, was more guarded in its response, and the India-Bangladesh relationship became one of the most significant geopolitical complications of the transitional period. China and other authoritarian-adjacent states were careful not to appear to endorse what was, in effect, a popular uprising against an established government.

The international community's response to the July Revolution reflects a broader tension in global democratic politics: the tension between the norm of popular sovereignty, which supports popular uprisings against authoritarian rule, and the norm of state stability, which creates reluctance to destabilise established governments even when those governments are authoritarian. This tension is not unique to Bangladesh. It has shaped international responses to the Arab Spring, to the Hong Kong protests of 2019, to the Belarusian uprising of 2020, and to numerous other cases of popular resistance to authoritarian rule.

46.2 Digital Mobilisation and the New Architecture of Popular Protest

One of the most significant features of the July 2024 uprising, and one that links it to a broader global pattern of twenty-first century political mobilisation, is its digital character. The movement used social media platforms, most notably Facebook, TikTok, and YouTube, to coordinate action, to document state violence, to build solidarity, and to communicate with national and international audiences. The documentation of state violence through mobile phone video and its rapid dissemination through social media played a crucial role in delegitimising the Hasina government internationally and in sustaining the morale and solidarity of the protest movement domestically.

The digital dimension of the July Revolution connects it to what the sociologist Zeynep Tufekci, in "Twitter and Tear Gas: The Power and Fragility of Networked Protest" (2017), calls the new architecture of social protest. Tufekci's central argument is that digital technologies have dramatically lowered the organisational costs of protest, making it possible for large-scale protests to be organised quickly and without the traditional organisational infrastructure of political parties and trade unions. This is a structural advantage for protest movements. But it also creates structural weaknesses: movements that form quickly and without strong organisational foundations tend to lack the internal deliberative processes, the strategic capacity, and the durable leadership structures that are necessary for translating protest energy into political change.

The Anti-Discrimination Students Movement's response to this challenge was, as Part One and Part Two of this textbook examined in detail, a deliberate effort to build organisational structure alongside digital mobilisation: the coordination committee, the distributed leadership, the explicit resistance to single-leader dependency, and the effort to maintain strategic coherence across a horizontally networked movement. This organisational sophistication was not accidental. It reflected lessons drawn from the experiences of earlier movements, from the Arab Spring uprisings that had seen digital mobilisation produce rapid political change followed by rapid organisational collapse, and from the Occupy movement and other horizontally networked protests in the West that had generated political consciousness without producing durable institutional change.

Alam's specific role as a coordinator within this organisational framework, his articulation of the ideological principles of the movement, and his management of the movement's public communications all reflect a sophisticated understanding of the opportunities and risks of digitally enabled protest. His subsequent role as Adviser for Information and Broadcasting, which gave him institutional responsibility for the regulatory frameworks governing exactly the media platforms that had been critical to the movement's success, represents one of the most intellectually interesting dimensions of his biography: a political actor who had used digital media to mount a challenge to the state was now responsible for governing the digital media environment within which political contestation would continue.

46.3 The Sociology of Youth-Led Revolutions: A Global Typology

The July 2024 uprising is part of a broader global wave of youth-led political mobilisation that has been one of the defining features of twenty-first century politics. From the Arab Spring to the Euromaidan in Ukraine, from the Black Lives Matter movement in the United States to the

climate strikes led by Greta Thunberg and the Fridays for Future network, from the Anti-Extradition Bill movement in Hong Kong to the Sudanese Revolution of 2019, young people have been at the forefront of the most significant popular political mobilisations of the contemporary period.

The sociological explanation for this youth-led character of contemporary mobilisation draws on several theoretical traditions. Karl Mannheim's sociology of generations, as examined in Part Four of this textbook, provides one framework: the idea that generational cohorts that come of political age during periods of social crisis develop a distinctive political consciousness shaped by that crisis, and that this consciousness drives political mobilisation. The political economist Albert Hirschman's framework of exit, voice, and loyalty provides another: as trust in established political institutions declines among young people, the costs of loyalty fall and the inclination to exercise voice through protest rises.

The political theorist Cédric Durand, in his analysis of the relationship between generational precarity and political radicalism, argues that the contemporary wave of youth protest is driven in significant part by the economic conditions facing young people in the twenty-first century: high youth unemployment, the disappearance of stable employment pathways, the burdens of educational debt, and the exclusion of young people from the property markets that have historically provided a pathway to middle-class security. These economic conditions create both the grievances that motivate protest and the free time and social networks that facilitate it.

Bangladesh's context fits this framework at least partially. Youth unemployment was identified as a core driver of the July Revolution. A 2024 Bangladesh Bureau of Statistics report found an overall unemployment rate of 4.48 percent, but within this, 87 percent of the unemployed were educated, and 21 percent were graduates, indicating that the expansion of higher education had not been matched by a corresponding expansion of graduate employment opportunities. A 2024 study found that 55 percent of Bangladeshi youth wished to leave the country due to rising unemployment, a figure that speaks to a profound crisis of expectations among the educated generation that led the uprising.

The quota system that originally triggered the protests, reserving 30 percent of government jobs for descendants of 1971 freedom fighters, was experienced by this generation as not merely an economic injustice but a moral insult: a system that privileged hereditary connection to a historical event over the merit and effort of those who had invested in higher education to compete for public employment. This combination of economic grievance, moral outrage, and generational political consciousness produced precisely the kind of mobilising energy that youth-led revolutions require.

46.4 Nonviolent Resistance Theory and Bangladesh: Sharp's Legacy in the Digital Age

The political theorist Gene Sharp, whose "The Politics of Nonviolent Action" (1973) and subsequent works provided the most comprehensive theoretical and strategic framework for nonviolent political resistance, is an intellectual ancestor whose influence, direct or indirect, can be traced in the July 2024 uprising's strategic logic.

Sharp's theory of nonviolent resistance rests on a fundamental insight about the nature of political power: power flows from the consent of the governed, and when the governed withdraw their consent by refusing to cooperate with the political system that exercises power over them, that power evaporates. The ruler's power depends on the obedience and cooperation of soldiers, police, civil servants, and ordinary citizens. When those on whom the ruler depends for the exercise of power refuse to continue providing it, the ruler's power disappears, regardless of how many weapons the ruler possesses.

This theoretical insight generates a strategic framework: the goal of nonviolent resistance is not to defeat the ruler in armed combat, which is impossible for unarmed protesters facing armed security forces, but to erode the ruler's pillars of support by making continued compliance with the regime's commands too costly for those who are required to provide it. The July 2024 uprising followed this logic, whether or not its leaders had studied Sharp directly. As the scale of state violence became publicly visible, as mobile phone videos of security forces shooting at unarmed protesters circulated globally, the moral cost of maintaining compliance with the Hasina government's commands rose. Civil servants began to hesitate. Military commanders became uncertain. The international community withdrew diplomatic support. And ultimately, Sheikh Hasina's pillar of support, the coercive apparatus of the state, proved insufficient to sustain her rule against the moral pressure of a mobilised and determined population.

The digital media environment of 2024 dramatically amplified the mechanisms through which Sharp's theory operates. The visibility of state violence, once controlled by regime-friendly media, was shattered by the near-universal availability of mobile phones capable of recording and transmitting video. The coordination of resistance, once dependent on physical organisational infrastructure that regimes could destroy by arresting leaders and raiding offices, was distributed across digital networks that were much harder to disable. The construction of the solidarity that makes large-scale nonviolent resistance sustainable, once achieved through slow processes of organisational building, was accelerated by social media platforms that could simultaneously reach millions of people with shared images, stories, and calls to action.

These digital amplifications of classic nonviolent resistance tactics represent one of the most significant developments in the technology of democratic politics in the twenty-first century, and the July 2024 uprising in Bangladesh stands as one of the most instructive demonstrations of their power. Understanding this dimension of the uprising is essential to understanding the significance of Alam's subsequent role as Adviser for Information and Broadcasting: the governance of the digital information environment was not a technical regulatory matter but a question of fundamental political power.

CHAPTER FORTY-SEVEN: MEDIA, INFORMATION GOVERNANCE, AND DEMOCRATIC TRANSITION: MAHFUJ ALAM AS ADVISER FOR INFORMATION AND BROADCASTING

47.1 The Political Economy of Media in Transitional Democracies

The governance of the media and information environment during democratic transitions is one of the most complex and theoretically rich challenges of transitional politics. The challenge is complex because the media serve multiple, sometimes contradictory, functions in a democratic society. They are instruments of democratic accountability, exposing the abuses of power and holding governments responsible to the public. They are also commercial enterprises, with economic interests that may conflict with their public interest functions. They are platforms for public deliberation, providing the spaces within which citizens discuss and debate political questions. They are also vectors of disinformation and political manipulation, capable of being used to deceive rather than to inform citizens. And they are, in the context of authoritarian legacies, often deeply compromised institutions that served as instruments of authoritarian control and require fundamental reform.

The scholarly literature on media and democratic transition draws on several theoretical traditions. The normative framework of democratic theory, from John Stuart Mill's "On Liberty" (1859) through Jurgen Habermas's "The Structural Transformation of the Public Sphere" (1962) to contemporary analyses of digital democracy, provides a baseline for what a democratic media system should look like: a plurality of independent voices capable of informing citizens, holding power accountable, and facilitating public deliberation. The political economy tradition, associated with scholars like Edward Herman and Noam Chomsky's "Manufacturing Consent" (1988) and Ben Bagdikian's "The Media Monopoly" (1983), provides a critical analysis of how media markets tend toward concentration and how concentrated media power serves the interests of the economically powerful. And the transitional media studies literature, which has developed significantly since the Eastern European transitions of 1989, provides comparative analysis of how media systems can be reformed during democratic transitions.

Mahfuj Alam inherited, upon his appointment as Adviser for Information and Broadcasting, a media landscape that was deeply scarred by the Hasina era's use of the Digital Security Act and its predecessor, the Information and Communication Technology Act, to suppress critical journalism. Hundreds of journalists had been prosecuted under these laws, and many had served time in prison for reporting that the government characterised as defamation or sedition but that, by any objective standard, represented legitimate journalism. Media outlets that were critical of the government had faced regulatory harassment, advertising boycotts by government-affiliated businesses, and physical intimidation of their staff. The result was a media environment characterised by self-censorship, the concentration of ownership in the hands of Awami League-affiliated business interests, and the systematic under-reporting of political dissent and state abuses.

The reform of this media landscape required action on multiple fronts simultaneously: the repeal or substantial amendment of the Digital Security Act, the reform of media ownership regulations to break up the Awami League-aligned media monopolies, the establishment of independent regulatory institutions capable of governing the media without political interference, the development of a public broadcasting system that served the democratic public interest rather than the ruling party's propaganda interests, and the creation of a legal and institutional environment in which investigative journalism could function effectively.

47.2 The Digital Security Act and Its Reform: A Legislative and Jurisprudential Analysis

The Digital Security Act 2018 was one of the most criticised pieces of legislation in Bangladesh's recent history. Enacted by the Awami League government, it created a range of broadly defined offences relating to digital communications, including provisions against "negative propaganda against the Liberation War" and against content that was "offensive" or "hurtful to religious beliefs." The Act carried prison sentences of up to fourteen years for some offences and was subject to a fast-track prosecution process that critics argued violated due process rights.

The constitutional and jurisprudential problems with the Digital Security Act were extensively documented by legal scholars and human rights organisations. The Act's offence provisions were formulated in language so broad and vague that they gave prosecutors extraordinary discretion to criminalise legitimate journalism and political commentary. The principle of legality, one of the foundational principles of the rule of law and a constitutional requirement in Bangladesh under Article 31 of the constitution, requires that criminal offences be defined with sufficient precision that citizens can know in advance what conduct is prohibited. The DSA's vague offence provisions violated this principle. The Act also raised serious concerns under Article 39 of the constitution, which guarantees freedom of thought, conscience, and speech, subject to reasonable restrictions, and the international human rights norms incorporated into Bangladeshi law through the ratification of the International Covenant on Civil and Political Rights, which guarantees freedom of expression under Article 19.

Alam's role in the reform of the digital information governance framework was among the most jurisprudentially significant aspects of his tenure as Adviser. The interim government's repeal of the Digital Security Act and its replacement with the Cyber Security Act 2023, a process that had begun under Hasina but which the interim government committed to reforming further, represented an attempt to reconcile the legitimate security interests of the state in the digital domain with the constitutional and human rights requirements of a democratic information environment. This balancing exercise raises fundamental questions in jurisprudence and constitutional theory.

The theoretical framework most useful for analysing this balance is the proportionality doctrine, which has become the dominant analytical framework in constitutional courts around the world for assessing limitations on constitutional rights. The proportionality doctrine, developed in its modern form by the German Federal Constitutional Court and subsequently adopted by the European Court of Human Rights, the Supreme Courts of Canada, South Africa, and Israel, and many other constitutional tribunals, holds that limitations on constitutional rights must satisfy four conditions: they must pursue a legitimate aim, they must be rationally connected to that aim, they must be necessary (in the sense that there is no less restrictive measure that would achieve the same aim), and they must be proportionate in the strict sense (the benefits of the limitation must outweigh its costs in terms of the rights infringed).

Applying this framework to digital media regulation in the Bangladeshi context requires careful analysis of what counts as a legitimate aim, what means are necessary, and how the balance between security and freedom should be struck. The interim government's approach to this balance, which Alam articulated in several public statements during his tenure, reflected an attempt to move from a framework in which security concerns routinely overrode freedom of

expression to a framework in which freedom of expression was the default and security-based restrictions required clear legal justification and judicial oversight.

47.3 The Public Broadcasting Framework and the State Media Dilemma

One of the most contested issues in the governance of the media during democratic transitions is the status of state-owned broadcasting. Under authoritarian rule, state broadcasting typically functions as a propaganda instrument for the ruling regime, subordinated to the political directives of the government and serving as a vehicle for the regime's preferred narratives rather than as a public service broadcaster serving the democratic information needs of the population. The reform of this institution is a critical but technically complex challenge.

The international comparative literature on public broadcasting reform identifies several distinct models. The BBC model, developed in the United Kingdom, involves the creation of an editorially independent public broadcaster governed by a board appointed through a process designed to prevent political interference, funded through a licence fee mechanism that insulates the broadcaster from dependence on the government, and operating under a public service mandate that requires comprehensive, balanced, and high-quality news and current affairs coverage. The German model, developed after World War II precisely in response to the use of broadcasting as a propaganda instrument by the Nazi regime, involves the creation of multiple independent broadcasting corporations at the state level, with governance structures that give representation to a wide range of social groups including civil society organisations, churches, trade unions, and political parties, but in a way that prevents any single political force from dominating.

The BBC and German models both rest on a fundamental jurisprudential principle: that the electromagnetic spectrum, which is a scarce public resource, must be used in the public interest, and that the public interest in broadcasting includes accurate and independent information, not the promotion of the government's preferred narratives. This principle was articulated in the United Kingdom in the Royal Charter founding the BBC, in Germany in the Federal Constitutional Court's landmark broadcasting jurisprudence beginning with the First Broadcasting Case (1961), and in the European Convention on Human Rights through the Strasbourg Court's interpretation of Article 10's freedom of expression guarantee as imposing positive obligations on states to create an information environment conducive to genuine democratic deliberation.

Bangladesh's state broadcasting institution, Bangladesh Television (BTV), has historically functioned as a government propaganda vehicle, with its editorial independence formally nonexistent and its content routinely subordinated to the political requirements of whichever government was in power. The reform of BTV into a genuinely independent public service broadcaster was one of the stated goals of the interim government's media reform agenda. Alam's articulation of this goal in public statements reflected an understanding of the democratic theory of public broadcasting, drawing on the BBC and German models as comparative references.

But the practical challenges of implementing genuine public broadcasting reform in Bangladesh are formidable. The institutional culture of BTV, shaped by decades of subordination to

government direction, does not change overnight. The appointment of genuinely independent board members requires the development of criteria for independence and processes for appointment that are themselves insulated from political manipulation. The funding model for public broadcasting, in a context of significant fiscal constraints and a banking sector burdened by non-performing loans exceeding 10 percent of total loans, is a practical challenge that requires creative solutions. And the political will to genuinely reform BTV, rather than merely replacing Awami League-aligned control with a different form of political control, requires a commitment to democratic principle that can be difficult to sustain when political actors see state broadcasting as a potential resource for their own political projects.

47.4 Media Ownership Concentration and Democratic Diversity

The issue of media ownership concentration in Bangladesh under the Hasina era is one that requires specific jurisprudential and comparative analysis. The concentration of media ownership in the hands of Awami League-affiliated business interests represented one of the most significant structural distortions of the Bangladeshi information environment. Media outlets owned by business groups with close financial ties to the ruling party could not be genuinely independent, regardless of what their editorial policies formally stated, because their owners' business interests depended on maintaining good relations with the government.

The jurisprudential framework for regulating media ownership concentration draws on both competition law and constitutional law. From the competition law perspective, excessive concentration of media ownership raises concerns about the abuse of dominant market position and the suppression of competitive information markets. From the constitutional law perspective, excessive media concentration raises concerns about freedom of expression: if a single political or business group controls the dominant media outlets, the practical capacity of citizens to access diverse viewpoints and accurate information is severely curtailed, regardless of the formal legal protection of press freedom.

The European Court of Human Rights has developed a substantial jurisprudence on this point, holding in several cases that the state has a positive obligation under Article 10 of the European Convention to create the conditions for a genuine plurality of media voices, including through the regulation of ownership concentration. The European Commission's recent work on the European Media Freedom Act, finalized in 2024 and entering into force in 2025, represents the most ambitious regional attempt to codify these principles into binding legal requirements, including specific provisions against government influence over media editorial decisions and requirements for the disclosure of media ownership and state advertising expenditures.

Bangladesh's media reform agenda during the transitional period drew, explicitly and implicitly, on these international frameworks. The development of media ownership transparency requirements, restrictions on the cross-ownership of media by government-affiliated businesses, and enhanced regulatory oversight of media ownership changes represented attempts to apply the principles of democratic media pluralism to the specific pathologies of the Bangladeshi media market. Whether these reforms were implemented with sufficient rigour and protected from political capture to make a lasting difference is a question to which the answer depends on the durability of the institutional reforms achieved during the transitional period.

47.5 The Information Disorder Crisis: Disinformation, Deepfakes, and Democratic Deliberation

No analysis of media governance in the contemporary period can ignore the challenge of disinformation and the broader crisis of the information environment that scholars have variously called the post-truth era, the infodemic, or the era of information disorder. The challenge of disinformation is not new, false information has always circulated in political life, but the scale and speed of disinformation in the digital age are genuinely unprecedented, and the consequences for democratic deliberation are profound.

The research on disinformation and its democratic consequences has expanded enormously in recent years. Katharine Viner, the editor of *The Guardian*, and other scholars of digital journalism have documented how the algorithmic design of social media platforms, optimised for engagement rather than accuracy, systematically amplifies emotionally charged and often inaccurate content over more sober and accurate reporting. Renée DiResta and the Stanford Internet Observatory have produced extensive research on the infrastructure of coordinated inauthentic behaviour on social media: the networks of fake accounts, automated bots, and coordinated human actors that spread disinformation at scale. The Oxford Internet Institute's Computational Propaganda Research Project has documented the use of computational tools for political manipulation in dozens of countries.

In the Bangladesh context, the disinformation challenge operates at multiple levels. During the July 2024 uprising, the Hasina government used its control of state media and its relationships with sympathetic private media to spread disinformation about the protests, characterising student protesters as agents of foreign powers and BNP-Jamaat provocateurs rather than as genuine democratic activists. After the government's fall, the information environment remained contested, with different political factions using social media to spread narratives that served their political interests, and with the deep fakes and other forms of synthetic media that have become increasingly accessible beginning to appear in Bangladeshi political discourse.

Alam's approach to this challenge as Information Adviser reflected the genuine difficulty of governing the information environment in a way that addresses the real harms of disinformation without creating instruments of censorship that can be turned against legitimate journalism and political speech. His public statements consistently affirmed a commitment to press freedom and rejected the use of content moderation as a tool for political censorship, while acknowledging the challenge of creating accountability mechanisms for genuinely harmful disinformation. This reflects the state of the international debate on disinformation governance, in which the tension between the values of free expression and the protection of democratic deliberation from manipulation remains unresolved.

The 2024 EU AI Act and the Digital Services Act, which together constitute the most comprehensive regulatory framework for digital media and artificial intelligence governance yet developed, provide one model for how states can address the disinformation challenge through regulatory means while maintaining commitments to free expression. The Digital Services Act's requirements for large platforms to conduct systemic risk assessments of disinformation risks and to provide access to research data, while protecting user privacy, represent a regulatory

approach that is attentive to both the harms of disinformation and the risks of regulatory overreach. Bangladesh's media reform agenda during the transitional period began to engage with these international frameworks, though the development of a comprehensive regulatory approach to disinformation will require sustained institutional work beyond the transitional period.

CHAPTER FORTY-EIGHT: POST-TRANSITIONAL JUSTICE AND THE INTERNATIONAL CRIMES TRIBUNAL: LEGAL FRAMEWORKS AND PHILOSOPHICAL DIMENSIONS

48.1 Transitional Justice: Theories, Mechanisms, and Dilemmas

Transitional justice, the body of law, policy, and practice developed to address the legacy of past atrocities in societies undergoing transitions from authoritarian rule or armed conflict, is one of the most intellectually demanding areas of contemporary law and political philosophy. Its central challenge is to reconcile the demands of accountability for past crimes with the requirements of political reconciliation and democratic consolidation. These demands frequently conflict: full accountability may destabilise the political arrangements necessary for democratic consolidation, while excessive leniency may produce impunity that undermines the rule of law and the trust of victims in the new democratic order.

The theoretical foundations of transitional justice are contested. The retributive justice tradition, associated in philosophy with Kant's categorical imperative and in jurisprudence with the criminal law tradition of individual accountability, holds that those who commit serious crimes must be held legally accountable as a matter of principle, regardless of the political costs of accountability. The restorative justice tradition, associated with the South African Truth and Reconciliation Commission and the theoretical work of Archbishop Desmond Tutu, holds that the primary purpose of transitional justice mechanisms should be to heal social wounds and rebuild social trust rather than to punish wrongdoers, and that truth-telling and acknowledgment of harm are more valuable for this purpose than criminal prosecution. The consequentialist tradition holds that the choice between retributive and restorative mechanisms should be made on the basis of which approach is more likely to produce sustainable democratic governance, and that this calculation will vary depending on context.

The International Crimes Tribunal (ICT) established by Bangladesh in 2010 was originally designed to address crimes committed during the 1971 Liberation War, including the genocide perpetrated by the Pakistani military and their local collaborators. The tribunal has been controversial from its inception, with critics including Human Rights Watch and Amnesty International raising concerns about due process protections for defendants and the independence of the tribunal from government influence. The decision of the interim government to extend the tribunal's mandate to cover crimes committed during the July 2024 uprising added a new dimension of controversy.

The November 2025 ruling of the International Crimes Tribunal, finding Sheikh Hasina and former home minister Asaduzzaman Khan Kamal guilty of crimes against humanity in connection with the deaths of over 1,400 civilians during the 2024 protests and sentencing them both to death, represents the most dramatic deployment of transitional justice mechanisms in Bangladesh's history. Its jurisprudential and philosophical dimensions require careful analysis.

48.2 The International Crimes Tribunal: Jurisdictional and Procedural Analysis

The International Crimes Tribunal Act 1973, as amended, provides the legal basis for the tribunal. The tribunal is a domestic court, not an international one, and its procedures and standards of proof differ in significant respects from those of the International Criminal Court or the ad hoc international tribunals established for the former Yugoslavia and Rwanda. The domestic nature of the tribunal means that it is subject to Bangladeshi constitutional law, including the due process protections of Articles 31 to 35 of the constitution, but it is not subject to the full procedural requirements of international criminal law as developed by the International Criminal Court.

Critics of the tribunal's proceedings against Hasina and her co-defendants have raised several specific procedural concerns. The trials were conducted in the absence of the defendants, who are in exile in India. The defence was conducted by court-appointed lawyers rather than counsel chosen by the defendants themselves. The death penalty imposed is inconsistent with international human rights norms, which call for the abolition or at minimum the restriction of the death penalty to the most exceptional circumstances, and the UN Human Rights Committee has expressed concern about the use of the death penalty in Bangladesh.

These procedural concerns raise fundamental questions about the legitimacy of the tribunal's proceedings. The principle of fair trial, enshrined in Article 35 of the Bangladesh constitution, Article 14 of the ICCPR, and Article 6 of the European Convention on Human Rights, is not merely a technical legal requirement but a foundational principle of the rule of law. A criminal conviction obtained without fair process cannot command the moral authority that the rule of law requires, even if the underlying conduct was genuinely criminal. The risk in the Bangladesh context is that the transitional justice process, however legitimate its underlying goals, becomes a mechanism of political vengeance rather than impartial justice, and thereby undermines the democratic credentials of the transitional government even as it seeks to hold the previous authoritarian government accountable.

48.3 Philosophical Dimensions: Punishment, Restoration, and Democratic Legitimacy

The philosophical dimensions of the transitional justice dilemma in Bangladesh can be illuminated by engaging seriously with the major theoretical traditions in the philosophy of criminal punishment. The retributive tradition, most fully developed in the Kantian moral philosophy and its jurisprudential applications, holds that criminal punishment is intrinsically warranted by the wrongdoing of the offender, independently of its social consequences. On this view, the failure to punish serious wrongdoers is itself a moral wrong, an insult to the dignity of the victims and an affirmation that the perpetrator's conduct was acceptable.

The consequentialist tradition, most fully developed in the utilitarian philosophy of Bentham and Mill and its jurisprudential applications, holds that criminal punishment is justified only insofar as it produces beneficial consequences: the deterrence of future wrongdoing, the rehabilitation of offenders, the protection of the public from dangerous individuals, or the reinforcement of social norms. On this view, whether and how to punish Hasina and her associates is primarily a question of what consequences different approaches to accountability will produce for Bangladesh's democratic development.

The restorative justice tradition, most fully developed in the work of Howard Zehr, John Braithwaite, and the Truth and Reconciliation Commission model associated with South Africa, holds that the primary purpose of responses to wrongdoing should be the repair of the social harm caused by that wrongdoing, through processes that acknowledge the harm done, affirm the dignity of victims, engage the community in the response, and create conditions for reintegration. On this view, the criminal prosecution of Hasina, whatever its retributive merits, may be less valuable than a truth commission process that comprehensively documents the Hasina government's abuses and creates a shared historical record that can inform the democratic culture of the future.

Mahfuj Alam's own position on transitional justice, as expressed in his public statements, has emphasised the importance of accountability as a precondition for genuine democratic transition. His view, consistent with the retributive tradition, is that the impunity of those who committed crimes during the Hasina era would signal to future political actors that authoritarian conduct carries no consequences, thereby undermining the deterrent effect of democratic accountability. He has also emphasised the importance of justice for the victims of the July 2024 violence, whose families deserve acknowledgment and redress. These are legitimate considerations. But the question of whether the specific mechanisms being used, including the International Crimes Tribunal proceedings against Hasina, satisfy the requirements of fair process and impartial justice that the rule of law demands is one that cannot be answered by appealing to the legitimacy of the accountability goal alone. The means must also satisfy the requirements of justice, not merely the ends.

48.4 The Ban on the Awami League: Constitutional and Jurisprudential Analysis

The interim government's ban on the Awami League under the Anti-Terrorism Act 2009, followed by the Election Commission's cancellation of the AL's registration and its effective exclusion from the February 2026 elections, is one of the most constitutionally and politically significant decisions of the transitional period. It raises fundamental questions about the limits of democratic exclusion: whether a democracy can legitimately exclude a political party from electoral competition, and if so, under what conditions.

The comparative constitutional literature on the dissolution or exclusion of political parties identifies two major approaches. The first is what the German Basic Law, Article 21(2), calls the principle of militant democracy (*streitbare Demokratie* or *wehrhafte Demokratie*): the idea that a democracy has the right and the duty to defend itself against parties that seek to use democratic institutions to destroy democracy itself. The German Federal Constitutional Court used this principle to ban the Neo-Nazi Socialist Reich Party in 1952 and the Communist Party of

Germany in 1956, though it has not exercised this power since then. The European Convention on Human Rights jurisprudence similarly recognises, in Article 11(2), that the freedom of association can be restricted where necessary for the protection of "the rights and freedoms of others" and for "national security" or "the prevention of disorder or crime."

The second approach takes a more sceptical view of political party bans, emphasising the risks that such bans create for democratic pluralism and the precedent they set for the exclusion of political opponents. This approach is associated with the liberal democratic tradition that treats the marketplace of ideas, including the marketplace of political parties, as the appropriate mechanism for determining which political forces deserve public support, rather than administrative or judicial exclusion.

The ban on the Awami League raises both sets of concerns. The militant democracy argument for the ban holds that the Awami League under Hasina was not a genuinely democratic party but an authoritarian organisation that had used democratic institutions to destroy democratic governance, and that its continued participation in electoral politics would pose a threat to the democratic transition. This argument has some force: the AL's track record of electoral manipulation, the use of state violence against protesters, and the systematic suppression of political opposition do suggest that it was operating outside the norms of genuine democratic competition.

But the militant democracy doctrine, as developed in Germany and by the European Court of Human Rights, requires that party bans meet specific procedural requirements: they must be based on a careful judicial finding that the party's programme or activities pose a genuine and serious threat to the democratic constitutional order, they must be proportionate to that threat, and they must be implemented through processes that respect the rights of party members. The Bangladeshi ban, implemented through an executive decision under the Anti-Terrorism Act rather than through a full judicial process, and applied to a party with significant popular support, raises legitimate concerns about whether these requirements were met. The Appellate Division's rejection of a petition demanding the ban, before the government imposed it, suggests that the judicial process for evaluating the ban was incomplete.

CHAPTER FORTY-NINE: CONSTITUTIONAL REFORM IN COMPARATIVE CONTEXT: THE JULY CHARTER AND THE ARCHITECTURE OF A SECOND REPUBLIC

49.1 The Constitutional Reform Commission and Its Work

The Constitutional Reform Commission (CRC), established by the interim government in September 2024 as one of eleven reform commissions covering constitutional, electoral, judicial, police, anti-corruption, and other dimensions of governance reform, submitted its proposals for a new democratic constitutional framework in early 2025. The Commission's work represents one of the most ambitious attempts at comprehensive constitutional redesign in South Asia since the drafting of the original Indian and Pakistani constitutions in the early 1950s.

The Commission's proposals addressed several critical structural weaknesses of the existing constitutional framework. The concentration of executive power in the office of the Prime Minister, which the transitology literature on Bangladesh has long identified as one of the primary enabling conditions of authoritarian consolidation, was the subject of proposals for a redistribution of power between the Prime Minister, the President, the parliament, and the judiciary. The proposals included the introduction of a bicameral parliament, with an upper chamber (Senate) that would provide representation for regional interests and serve as a check on the lower chamber (Jatiya Sangsad). They proposed term limits for the Prime Minister, which would have prevented the kind of indefinite tenure that Hasina achieved. And they proposed expanded fundamental rights guarantees, including stronger protections for freedom of expression, freedom of assembly, and the rights of minority communities.

The Commission's work was contextualised within a rich comparative constitutional tradition. The comparative constitutional scholarship of the early twenty-first century, associated with scholars like Zachary Elkins, Tom Ginsburg, and James Melton (whose "The Endurance of National Constitutions" (2009) provides systematic comparative analysis of what makes constitutions durable), Mark Tushnet (whose "Weak Courts, Strong Rights" (2008) analyses different models of constitutional rights enforcement), and Rosalind Dixon and Tom Ginsburg (whose edited volume "Comparative Constitutional Law" (2011) covers the range of contemporary constitutional design choices) provides the intellectual resources for evaluating the Commission's proposals.

49.2 The Bicameralism Debate: Comparative Analysis

The proposal for a bicameral parliament, replacing Bangladesh's existing unicameral Jatiya Sangsad, is one of the most consequential and theoretically interesting aspects of the constitutional reform agenda. The choice between unicameral and bicameral legislative structures is one of the fundamental questions of constitutional design, and the comparative literature on this question is extensive.

The case for unicameralism rests on considerations of simplicity, efficiency, and democratic accountability: a single chamber is easier to understand, quicker to legislate, and clearer in its democratic mandate than a bicameral system in which different chambers may claim different democratic legitimacies. The Scandinavian democracies of Denmark, Finland, and Sweden all moved from bicameral to unicameral systems in the twentieth century, and their democratic records are among the most impressive in the world.

The case for bicameralism rests on considerations of checking legislative power, representing different constituencies, and protecting minority interests. Federal states, including Germany, the United States, Australia, and India, typically have bicameral legislatures with an upper chamber representing territorial units. Unitary states with strong traditions of regional identity, like France and Italy, also have upper chambers, though with weaker powers than their American or German counterparts. In the Bangladesh context, the argument for a second chamber rests primarily on the need for an institutional check on the concentration of legislative and executive power that the existing unicameral system has enabled.

The specific design of the proposed Senate, including the method of election or appointment of senators, the powers of the Senate relative to the lower house, and the procedure for resolving disputes between the two chambers, is critical to whether it would function as a genuine check on executive power or as an additional instrument of executive control. The comparative literature suggests that upper chambers that are directly elected and that have significant powers, like the US Senate and the German Bundesrat, tend to be more effective checks on executive power than those that are appointed by the executive or that have only advisory or delaying powers, like the UK House of Lords or the French Senate.

49.3 Term Limits: Jurisprudential Philosophy and Political Theory

The proposal for constitutional term limits for the Prime Minister represents another significant departure from the existing constitutional framework and raises important questions in jurisprudential philosophy and political theory. Term limits are among the most contested features of constitutional design, with vigorous debates about whether they represent legitimate constraints on democratic choice or violations of the electorate's right to choose its own leaders.

The philosophical case for term limits rests on the argument, associated with the republican tradition of political thought, that prolonged tenure in executive office tends to produce the corruption of power: the gradual subordination of public purposes to the private interests of the officeholder and the officeholder's political allies, and the entrenchment of the incumbent's political network in ways that undermine the genuine accountability of the executive to the public. Thomas Jefferson's advocacy of rotation in office as a democratic principle, and the framers of the United States Constitution's ultimate rejection of formal term limits for the President (before the Twenty-Second Amendment was adopted in 1951 following Franklin Roosevelt's four terms), illustrate both the attractiveness and the contested character of the term-limits argument within the republican tradition.

The empirical case for term limits in the Bangladesh context is provided by the concrete experience of the Hasina years: fifteen years of continuous rule, during which the progressive erosion of democratic institutions accelerated with each election cycle, illustrates precisely the pathology that term limits are designed to prevent. The comparative constitutional evidence from Latin America, where presidential term limits have been widely adopted and have sometimes successfully constrained the ambitions of would-be perpetual rulers (though in other cases have been circumvented through constitutional amendments, as in Venezuela, Bolivia, and Ecuador), provides some support for the view that term limits can be an effective institutional safeguard against authoritarian consolidation.

The constitutional jurisprudence of term limits raises a further question: can a democracy legitimately constrain the choices of future majorities by constitutionally entrenching term limits? The basic structure doctrine, discussed in Part Two of this textbook, holds that some features of the constitutional order are so fundamental that they cannot be altered even by a supermajority of the parliament using the formal amendment procedure. If term limits are embedded in the constitution as a basic structural feature, they would be protected against the kind of constitutional self-dealing that has undermined term limits in some other countries. This

is one of the strongest arguments for treating term limits not merely as ordinary constitutional provisions but as unamendable features of the constitutional core.

49.4 The July Charter and the Question of Constitutional Legitimacy

The constitutional reform process in Bangladesh has been framed by the student movement as the elaboration of what it calls the July Charter: the set of constitutional principles that the July 2024 revolution was understood to demand. The July Charter concept reflects a theory of revolutionary constitutional legitimacy that deserves philosophical examination.

Constitutional legitimacy, in the jurisprudential tradition derived from Jean-Jacques Rousseau through Sieyès and the French revolutionary constitution-making of the 1790s, belongs ultimately to the sovereign people rather than to any constituted authority. On this theory, the constituent power, the power to make and remake fundamental constitutional arrangements, is inalienable and can be exercised by the people directly in moments of constitutional founding or revolutionary rupture. The July 2024 uprising, on this theory, represented exactly such a moment: a revolutionary assertion of popular sovereignty that created a new constituent moment, providing the foundation for a new constitutional settlement.

The philosopher Martin Loughlin, in "The Idea of Public Law" (2003) and subsequent works, has provided one of the most sophisticated analyses of the relationship between constituent power and constitutional order. Loughlin argues that the tension between constituted power (the legal authority of established governmental institutions) and constituent power (the political authority of the sovereign people) is permanent and irreducible: constitutions always claim to give legal form to popular sovereignty, but they also always constrain and channel it in ways that prevent the continuous exercise of constituent power. The question of how to manage this tension is one of the deepest in constitutional theory.

The specific challenge of the July Charter in Bangladesh is how to translate the revolutionary constituent power of the July uprising into durable constitutional forms without either betraying the revolution's democratic purposes by enshrining the interests of the forces that led it, or dissipating the revolutionary energy in an interminable process of constitutional deliberation that satisfies no one. The referendum on the July Charter that accompanied the February 2026 elections represented an attempt to submit the constitutional reform proposals to popular ratification, thereby grounding them in a direct exercise of popular sovereignty. Whether this referendum was conducted under conditions of genuine freedom and pluralism, in which all relevant voices including those of Awami League supporters were given a fair opportunity to participate, is a question whose answer will significantly affect the democratic legitimacy of the constitutional settlement it produces.

CHAPTER FIFTY: THE 2026 ELECTIONS AND THE TEST OF DEMOCRATIC TRANSITION

50.1 The Electoral Framework and Its Fairness

The general election of 12 February 2026, the first general election since the July uprising, was the most significant test of Bangladesh's democratic transition. More than 127 million eligible voters were called to choose between 2,028 candidates contesting 299 of the 300 directly elected seats in the Jatiya Sangsad, alongside the proposed Senate seats provided for in the constitutional reform proposals. The election produced a landslide victory for the Bangladesh Nationalist Party led by Tarique Rahman, who secured approximately two-thirds of seats, while Bangladesh Jamaat-e-Islami secured the second-largest bloc of seats. The constitutional referendum on the July Charter was held simultaneously.

The conduct and outcomes of this election raise a range of analytical questions that are essential for assessing the quality of Bangladesh's democratic transition. The exclusion of the Awami League, which had won four consecutive elections between 2008 and 2024 and which maintained, despite the ban on its activities and the cancellation of its registration, significant organisational infrastructure and popular support, is the most fundamental question. An election that excludes the country's most recently dominant political party cannot, by any standard of electoral integrity, be considered a fully pluralist democratic exercise. The question is whether the exclusion was legitimately justified as a transitional necessity or whether it represented a departure from democratic norms that will create lasting damage to Bangladesh's democratic fabric.

The international community's assessment of the election's legitimacy was mixed. Western governments and international organisations generally acknowledged the transitional context and the genuine challenges of holding elections following a period of authoritarian rule, while expressing concern about the exclusion of the AL and calling for the eventual reintegration of all political forces, including reformed AL successor parties, into the democratic process. Regional actors, particularly India, remained more cautious, their assessments shaped by complex strategic calculations about the implications of the election's outcome for regional security and bilateral relations.

50.2 The BNP's Return to Power: Political and Institutional Implications

The BNP's landslide victory in the February 2026 election represents a significant political change that carries both democratic promise and democratic risk. The promise lies in the restoration of competitive electoral politics and the rotation of power that was denied to Bangladesh during the fifteen years of Hasina's rule. The risk lies in the historical record of both major Bangladeshi parties, the Awami League and the BNP, using periods in power to suppress opponents, abuse state resources, and weaken democratic institutions. The BNP's internal discipline was questioned during the transitional period: a report from Transparency International Bangladesh found that BNP leaders and activists were behind 91 percent of political violence since the fall of the Awami League on 5 August 2024.

The question that Bangladesh's democratic transition now faces is whether the BNP under Tarique Rahman has genuinely committed to a different model of governance, one that respects the independence of institutions, maintains the pluralism of the political arena, and governs within the constraints of the reformed constitutional framework, or whether it will use its

electoral mandate to reproduce the patterns of authoritarian consolidation that characterised both its own previous periods in government and the Hasina years.

The comparative political science literature on post-authoritarian political parties offers a framework for evaluating this question. Kenneth Roberts, in "Changing Course in Latin America: Party Systems in the Neoliberal Era" (2014), identifies the conditions under which parties that have operated in authoritarian or semi-authoritarian contexts can genuinely transform themselves into democratic actors: the development of genuine internal democracy, the establishment of programmatic rather than clientelistic relationships with supporters, the development of genuine institutional commitments rather than mere tactical compliance with democratic rules when in opposition, and the cultivation of a political culture that values democratic norms intrinsically rather than instrumentally.

Whether the BNP has undergone this kind of genuine democratic transformation, or whether its democratic rhetoric during the opposition years will prove to be instrumentally tactical rather than genuinely principled, is a question that the post-election period will answer empirically. The institutional framework of the reformed constitution, if its provisions are genuine and durable, provides some safeguards against authoritarian backsliding: term limits on the Prime Minister, a second chamber with checking power, an independent judiciary, and enhanced fundamental rights protections all create constraints that make authoritarian consolidation more difficult. But institutional safeguards are only as effective as the political culture and the civil society capacity to enforce them.

50.3 The Rise of Jamaat and the Islamist Question in Bangladeshi Democracy

The Bangladesh Jamaat-e-Islami's strong performance in the February 2026 elections, securing the second-largest bloc of seats after the BNP, represents one of the most significant and contested aspects of the election's outcome. Jamaat's electoral resurgence was made possible by several developments: its reinstatement in June 2025, following years of controversy about its registration status and the role of its student wing Islami Chhatra Shibir in the July 2024 uprising, and the political vacuum created by the exclusion of the Awami League from the electoral contest.

Jamaat's post-July positioning, which the party itself described as an "Islamist left" identity blending Islamic values with social justice concerns and anti-corruption rhetoric, represented a sophisticated attempt to reposition itself for the changed political landscape. The party advocated proportional representation to enhance its own and smaller parties' prospects, a new constitution, and a ban on the Awami League. Its voter base, historically around 4 to 10 percent of the electorate, drew primarily from conservative Muslims, conservative urban middle-class youth, and madrasa communities, all reinforced by the Islami Chhatra Shibir's prominent participation in the July uprising.

The analytical question that Jamaat's electoral performance raises for democratic theory is the classic one of democratic inclusion and exclusion: should democratic systems accommodate Islamist parties that seek to implement religious law within the democratic framework, or does the commitment to religious governance inherently conflict with the pluralist foundations of

democracy? This is one of the most debated questions in political philosophy and constitutional theory in the early twenty-first century.

The post-Islamism theorists, as discussed in earlier parts of this textbook, argue that the dichotomy between Islam and democracy is a false one: that Muslim-majority societies can develop democratic political traditions that accommodate Islamic values within a pluralist constitutional framework without imposing them through state power. The experiences of Turkey under the AKP (before its authoritarian turn), of Tunisia's Ennahda party (which explicitly committed to democratic norms and cooperation with secular parties), and of Indonesia's Muslim-majority democracy all offer examples of Islamic political parties that have operated within, rather than against, democratic frameworks.

But the theoretical conditions for post-Islamist democratic accommodation are demanding. They require a genuine commitment by Islamist parties to the rules of democratic competition, including the acceptance of electoral defeat and the protection of the rights of those who do not share their religious commitments. They require constitutional frameworks that provide adequate protection for the rights of minority communities, including religious minorities and minorities defined by gender or sexuality. And they require a political culture that can manage the tensions between religious and secular visions of the good society through deliberation rather than coercion.

50.4 The National Citizen Party and the Political Future of the July Generation

The National Citizen Party, formed in February 2024 by student leaders of the July uprising including Nahid Islam, represents the most direct political expression of the generational political project that the uprising embodied. The NCP's August 2025 "Manifesto of New Bangladesh" articulated an ambitious agenda: a new constitution, a Second Republic, and a ban on the Awami League until its leaders face trial for the July massacre. These demands positioned the NCP as a force for fundamental transformation rather than incremental reform, and they created tensions with more cautious actors in the transitional coalition, particularly the BNP.

The NCP's estimated electoral support of around 5 percent of the vote, concentrated among urban youth, students, and reform-minded citizens, placed it as a significant but not dominant force in the February 2026 elections. Its advocacy for proportional representation, which would increase the legislative representation of parties with dispersed rather than geographically concentrated support, reflects a sophisticated understanding of the structural biases of the first-past-the-post system that disadvantages new parties.

Mahfuj Alam's decision to resign from the ministry, along with Asif Mahmud, rather than continuing as an unelected Adviser while others from the student movement formed the NCP, reflects a significant choice point in his political career. This decision can be analysed through the lens of Max Weber's distinction between the ethics of conviction and the ethics of responsibility: Alam's resignation from office suggests a commitment to the integrity of his political position, a refusal to be captured by the institutional incentives of governmental power, and a willingness to accept the political costs of maintaining his independence. Whether this choice represents a principled political strategy or a personal preference for intellectual and

political independence over institutional power is a question that his subsequent political evolution will answer.

CHAPTER FIFTY-ONE: BANGLADESH-INDIA RELATIONS AND THE GEOPOLITICS OF DEMOCRATIC TRANSITION

51.1 The Historical Structure of India-Bangladesh Relations

The relationship between Bangladesh and India is one of the most complex bilateral relationships in South Asia, shaped by historical intimacy (India's decisive military support for Bangladeshi independence in 1971), geographical dependence (Bangladesh is almost entirely surrounded by Indian territory), economic asymmetry (India's economy is vastly larger than Bangladesh's), and recurring political tensions around borders, refugees, trade, water sharing, and the treatment of minorities on both sides.

The Hasina government maintained unusually close relations with India, a relationship that critics characterised as one of excessive dependence and critics of India characterised as one of genuine strategic partnership. India's strategic interest in the Hasina government was based on several considerations: Hasina had cracked down on North-East Indian separatist groups that had historically used Bangladesh as a sanctuary, she maintained a generally cooperative posture on border security, and the bilateral economic relationship expanded significantly during her tenure. India's Modi government was accordingly among the most reluctant international actors to accept Hasina's forced departure, and India's initial response to the July Revolution was cautious and somewhat hostile.

The India-Bangladesh relationship during the transitional period was complicated by several specific issues. India provided sanctuary to Hasina following her resignation, which the interim government and its student political allies characterised as an unfriendly act. The treatment of the Hindu minority in Bangladesh was a subject of ongoing concern to India, where Hindu nationalist politicians used allegations of anti-Hindu violence in Bangladesh to criticise the interim government and to justify India's cool relationship with it. The International Crisis Group noted that allegations about the scale of anti-Hindu violence had been "hugely inflated" by the interim government's opponents and media outlets and politicians in India, though the 2024 figure of 127 incidents documented by a respected human rights group was sharply higher than the previous year.

51.2 Geopolitics of Democratic Transition: International Support and Its Limits

The geopolitical dimension of democratic transitions is one of the most important and least theorised aspects of transitional politics. Democratic transitions rarely occur in a geopolitical vacuum: they are shaped by the interests and actions of powerful external actors who have their own strategic reasons for supporting or opposing the transition. The support of the United States and Western Europe was critical to the success of many third-wave transitions in Latin America

and Eastern Europe. The opposition of regional powers has frustrated or reversed transitions in other contexts.

In the Bangladesh case, the relevant external actors include India, China, the United States, the European Union, and international financial institutions like the International Monetary Fund, which provided a 1.3 billion dollar loan to Bangladesh in May 2025 tied to energy pricing and financial governance reforms. India's ambivalence about the transitional government has complicated the diplomatic environment, creating tensions that required careful management. The US and EU's generally supportive stance toward the transition provided important political backing. China, with its substantial economic presence in Bangladesh, maintained a pragmatic relationship with the transitional government while remaining careful not to appear to endorse popular uprisings against established governments as a general principle.

Alam's engagement with the international community in his capacity as Information Adviser, including his appearance at the Antalya Diplomacy Forum 2025 in Turkey, where he articulated the government's commitment to democratic transition, economic recovery, institutional reform, and justice for victims of the Hasina era's violence, represents one of the international dimensions of his governmental role. His ability to present the interim government's agenda coherently and credibly to an international audience was a significant diplomatic asset during a period when Bangladesh's international standing was being actively contested.

51.3 The Rohingya Crisis: International Humanitarian Law and Bangladesh's Global Engagement

No analysis of Bangladesh's international position is complete without addressing the Rohingya crisis, which has been one of the defining humanitarian and geopolitical challenges for Bangladesh since the massive refugee influx of 2017, when approximately 700,000 Rohingya fled Myanmar following the military's brutal campaign. By 2024, Bangladesh hosted approximately 1.2 million Rohingya refugees, making it one of the largest refugee-hosting countries in the world relative to its size.

The Rohingya crisis raises fundamental questions of international humanitarian law, including the principle of non-refoulement (the obligation not to return refugees to a country where they face serious human rights violations), the responsibility of the international community to share the burden of hosting refugees, and the relationship between humanitarian protection and sustainable solutions to the refugee crisis. Bangladesh's position has consistently been that the burden of hosting over a million refugees is unsustainable without substantially greater international burden-sharing and without a credible pathway for the safe, voluntary, and dignified return of refugees to Myanmar.

The interim government, in one of its more successful diplomatic initiatives, lobbied successfully for a UN high-level conference on the Rohingya crisis in 2025, aimed at developing what it called "a comprehensive, innovative, concrete and time-bound plan for the sustainable resolution of the crisis." This diplomatic achievement reflects the international standing that the Yunus government's leadership was able to generate, and it represents a domain in which Bangladesh's democratic transition and its international humanitarian obligations converge.

The Rohingya crisis also has a complicated domestic political dimension that connects to the security and stability challenges of the transitional period. In 2024, Rohingya armed groups aligned themselves with Myanmar's military regime to fight the Arakan Army, and combined forces forcibly recruited as many as 5,000 refugees. An estimated 70,000 additional Rohingya refugees fled into Bangladesh in 2024. These developments complicated Bangladesh's relationships both with Myanmar and with the Arakan Army, and they added to the security challenges that the transitional government was managing simultaneously with its reform agenda.

CHAPTER FIFTY-TWO: THE ROLE OF YOUTH LEADERSHIP IN GLOBAL DEMOCRATIC TRANSFORMATION

52.1 Generation Z Politics: Theoretical and Empirical Dimensions

Mahfuj Alam's biography is, among other things, a case study in the political leadership of what sociologists and demographers call Generation Z: the cohort born roughly between 1997 and 2012, whose defining characteristics are shaped by their formation in the digital environment, their direct experience of global crises including climate change and the COVID-19 pandemic, their economic precarity relative to previous generations in many parts of the world, and their political disillusionment with the established party systems and institutional frameworks of representative democracy.

The emerging literature on Generation Z politics, including Melissa Deckman's "The Politics of Gen Z" (2024), surveys and analyses conducted by organisations including the PRRI, the Pew Research Center, and the Inter-Parliamentary Union, and cross-national comparative studies, identifies several consistent patterns. Generation Z tends to be more politically progressive than previous generations on social issues, including gender equality, LGBTQ rights, and racial justice. It tends to be more concerned about climate change. It tends to be less partisan than previous generations, less committed to established political parties, and more oriented toward issue-based and identity-based political engagement. And it tends to be more comfortable with digital forms of political participation, including social media activism, online petitioning, and digital fundraising.

But these global generational patterns play out differently in different national contexts, and Bangladesh illustrates the danger of over-generalising from the Western-centric literature on Generation Z politics. The political consciousness of Bangladesh's youth generation is shaped by the specific historical, cultural, and economic context of Bangladesh: the legacy of 1971, the two-party competitive authoritarian system, the madrasa and university educational traditions, the economic anxieties of graduate unemployment, and the political mobilisation experience of the July 2024 uprising. These contextual factors produce a generational political consciousness that shares some features with global Generation Z patterns (the rejection of established party politics, the concern with systemic injustice, the use of digital media for political mobilisation) while diverging in other respects (the centrality of Islamic values in political identity, the specific

institutional and constitutional goals of the reform agenda, the particular relationship to the historical memory of 1971).

52.2 The Ethics of Youth Political Leadership: Philosophical Dimensions

The phenomenon of youth political leadership, and specifically the phenomenon of very young people exercising significant governmental power (Alam was appointed Adviser in 2024 at a remarkably young age), raises philosophical questions about the relationship between age, experience, wisdom, and political authority that have been debated throughout the history of political thought.

Plato's "Republic" famously argued that the ideal rulers of a city would be philosophers educated over decades in mathematics, philosophy, and governance, not reaching the heights of political wisdom until middle age. Aristotle's "Politics" distinguished between the practical wisdom (phronesis) required for good governance, which he associated with maturity and experience, and the theoretical intelligence that younger people might possess more abundantly. The Burkean conservative tradition, associated with Edmund Burke's "Reflections on the Revolution in France" (1790), expressed scepticism about the capacity of any generation to improve on the accumulated wisdom of political tradition, and particular scepticism about the enthusiasm of youth for revolutionary change.

Against these traditions that emphasise the importance of experience and maturity for political leadership, there are compelling arguments for the value of youth in political life. Young leaders bring energy, openness to innovation, willingness to challenge orthodoxies, and freedom from the accumulated compromises and vested interests that characterise established political figures. The founder of modern Singapore, Lee Kuan Yew, was thirty-five when he became Prime Minister in 1959. William Pitt the Younger became British Prime Minister at twenty-four in 1783. And across the wave of post-independence state-building in Asia and Africa in the 1950s and 1960s, many of the most significant national leaders were in their thirties.

The specific context of Bangladesh's transitional period provides a particular argument for the inclusion of young leaders like Alam in the governmental structure. The July Revolution was led by young people, and their inclusion in the governmental structure responsible for managing the transition was both a reflection of the political reality (the interim government's legitimacy derived in significant part from the student movement) and a normatively defensible choice: those who had borne the costs and taken the risks of the political transformation should have a voice in shaping its institutional outcomes.

52.3 Youth Leadership and Democratic Institutions: A Comparative Perspective

The comparative study of youth political leadership, and specifically of the transition from movement leadership to governmental authority, provides important lessons for understanding Alam's trajectory. In recent global politics, there are several instructive comparisons.

Alexis Tsipras was thirty-two when he became leader of the Greek Syriza party, which had emerged from the social movements of the 2000s, and forty when his government was elected in

2015. Sebastian Kurz was thirty-one when he became Austrian Chancellor in 2017, leading a party that he had effectively transformed. Jacinda Ardern became Prime Minister of New Zealand at thirty-seven in 2017, having led her party from crisis to electoral success. Each of these cases involves a young leader whose political authority derived not from traditional party hierarchies but from their capacity to articulate a new political project that resonated with public dissatisfaction with established politics.

The experiences of Tsipras, Kurz, and Ardern illustrate both the possibilities and the difficulties of governing that young leaders with movement origins face. Tsipras's government was ultimately constrained by the economic and geopolitical realities of Greece's relationship with the European Union, and his attempt to implement a transformative economic programme ended in a humiliating capitulation to creditor demands. Kurz's government was damaged by the "Ibiza affair," a corruption scandal involving his coalition partners, and ultimately by Kurz's own involvement in alleged corruption. Ardern achieved some significant policy successes but ultimately resigned, citing the burnout of political leadership.

These comparisons suggest that the transition from movement leadership to governmental authority is one of the most demanding challenges in political life, requiring a combination of strategic flexibility, institutional knowledge, political resilience, and the capacity to manage the tension between the aspirations of one's original supporters and the constraints of governmental reality. Alam's navigation of this transition, his handling of the specific institutional challenges of the Information and Broadcasting portfolio, and his ultimate decision to resign from the ministry rather than compromising his political independence, all represent dimensions of this broader challenge.

52.4 Generational Theory and Political Change: Beyond the Youth Politics Framework

Karl Mannheim's sociology of generations, developed in his 1928 essay "The Problem of Generations," provides a theoretical framework that goes beyond the simplistic "youth politics" label to capture the deeper significance of generational political consciousness. Mannheim argued that a political generation is constituted not merely by shared birth years but by shared formative experiences that produce a distinctive political consciousness, what he called a "generational style," a characteristic way of perceiving and responding to social and political reality.

The July 2024 generation of Bangladesh shares a formative experience that has produced a distinctive generational style: the experience of growing up under the Hasina government, with its systematic suppression of dissent and its use of state institutions for partisan advantage, followed by the experience of the uprising itself, with its extraordinary demands of courage, solidarity, and strategic intelligence. This generational experience has produced a political consciousness characterised by deep suspicion of established institutions, a commitment to individual accountability for political wrongdoing, a belief in the possibility of transformative change through collective action, and a sophisticated awareness of the ways in which political power can be corrupted by institutional incumbency.

The political project that Alam and others of his generation are attempting to implement, the transformation of Bangladesh's political culture from one of dynastic party competition and authoritarian suppression to one of democratic pluralism, institutional accountability, and substantive citizenship, is not merely an institutional reform project. It is a generational cultural project, an attempt to change the dominant habits, norms, and expectations of Bangladeshi political life in a way that makes the reproduction of authoritarian politics more difficult and the development of genuine democratic governance more likely.

Whether this generational project will succeed depends on factors beyond the control of any individual political actor, including the quality of the constitutional and institutional framework that the transitional period establishes, the behaviour of the established political parties in the post-transition period, the capacity of the economy to provide opportunities that reduce the economic grievances that authoritarian politicians exploit, and the evolution of Bangladesh's relationship with its regional and international partners. But the generational project itself, the attempt to change the deep culture of Bangladeshi politics, is one of the most significant aspects of the July 2024 revolution's long-term historical significance.

CHAPTER FIFTY-THREE: MAHFUJ ALAM'S LEGACY: A CONCLUDING ASSESSMENT

53.1 The Significance of an Unfinished Story

It is a characteristic difficulty of biographical writing about living political figures that the story is unfinished. Mahfuj Alam is a young man whose political career, whatever its next phases, is far from its conclusion. The assessment of his significance offered in this concluding chapter is necessarily provisional, aware that the events of the coming years may alter the perspective significantly. A political figure who appeared significant in 2025 may appear in retrospect to have been a transitional figure whose importance was largely symbolic, or may appear to have been a foundational figure whose contributions shaped the political landscape for decades. The historian's judgement requires the distance that only time can provide.

This caveat acknowledged, a serious assessment of Mahfuj Alam's significance as of the period covered by this textbook is both possible and educationally valuable. His biography offers, as this textbook has attempted to show across five parts, an unusually rich case study for the analysis of the most fundamental questions of political theory, constitutional jurisprudence, comparative politics, and the sociology of democratic change. These analytical lessons are worth drawing together in this conclusion.

53.2 The Synthesis of Intellectual Traditions: A Distinctive Contribution

One of Mahfuj Alam's most distinctive contributions to Bangladeshi political discourse is his synthesis of intellectual traditions that are usually treated as separate or incompatible: the Islamic jurisprudential tradition of his madrasa formation, the secular constitutional tradition of his legal education, the Bengali cultural and political tradition of his intellectual community, and the

global democratic theory and human rights scholarship that has shaped his policy commitments as a governmental actor.

This synthesis is both intellectually ambitious and practically important. Intellectually, it attempts to resolve the persistent tension in Bangladeshi political culture between religious and secular political identities by showing that the principles of democratic governance (accountability, pluralism, the rule of law, protection of individual rights) can be grounded simultaneously in Islamic jurisprudential principles and in secular constitutional theory. The Islamic concept of shura (consultation) is compatible with democratic representation. The Islamic principle of maslaha (public interest) is compatible with consequentialist policy evaluation. The Islamic concept of zulm (oppression) is compatible with human rights-based political criticism. These are not merely rhetorical bridges but genuine philosophical convergences that, when developed seriously, can ground a democratic political practice that resonates with the cultural and religious identity of the large majority of Bangladesh's population.

Practically, this synthesis addresses one of the most persistent pathologies of Bangladeshi political culture: the use of the religious-secular divide as a political weapon by parties and movements that claim to represent one side of the divide against the other. The Awami League's claim to represent Bengali secularism against Islamist reaction, and Islamist parties' claim to represent Islamic authenticity against secular westernisation, are both political mobilisation strategies that exploit a constructed opposition between values that need not and should not be opposed. Alam's political practice has consistently resisted this mobilisation strategy by refusing to accept the terms of the religious-secular binary.

The theoretical tradition that most closely corresponds to this synthesis is what Bhikhu Parekh calls "dialogical multiculturalism" in "Rethinking Multiculturalism" (2000): the idea that a genuinely pluralist political community is constituted not by the imposition of a single cultural or philosophical framework on all its members but by the ongoing dialogue between different cultural, religious, and philosophical traditions about the shared political values that they can all endorse, each from within their own perspective. Alam's political project, as this textbook has argued across its five parts, is precisely this kind of dialogical political practice: the attempt to build a democratic political culture that is genuinely inclusive of Bangladesh's religious and cultural diversity.

53.3 The Institutional Dimension: What Was Built and What Remains to Be Built

The assessment of Alam's contribution during his tenure as Adviser for Information and Broadcasting must distinguish between what was initiated, what was completed, and what remains to be done. This distinction is important because the significance of governmental initiatives is often only apparent in retrospect, once the institutions that were reformed or established have had time to demonstrate their effectiveness.

Among the initiatives that were undertaken during the transitional period and that represented genuine progress toward a more democratic media and information environment, the reform of the digital security legislation, while incomplete and contested, moved the framework away from

the most egregious restrictions on press freedom that had characterised the Hasina era. The public articulation of a commitment to press freedom and editorial independence, while only as valuable as the institutional follow-through it receives, established normative expectations that future governments will need to manage. The engagement with international media freedom frameworks, including Bangladesh's participation in international forums on digital governance and freedom of expression, created connections and commitments that can serve as resources for civil society advocacy.

But the deeper institutional reforms required to build a genuinely independent and pluralist media system remain largely unfinished. The reform of BTV into a genuinely independent public broadcaster requires sustained institutional work over years, not months. The reform of media ownership to break up the Awami League-aligned media concentrations requires regulatory action that outlasts the transitional period. The development of a legal framework for disinformation governance that balances free expression and democratic deliberation requires legislative and regulatory work that the transitional period could only begin. And the development of the journalistic culture and professional practices that make democratic media possible is a generational project that cannot be achieved through governmental action alone but requires the sustained investment of civil society, professional associations, and educational institutions.

53.4 The Democratic Culture Project: Long-Term Historical Significance

The most historically significant dimension of Mahfuj Alam's contribution to Bangladesh's political development may be the least immediately visible: his role in the construction of a democratic political culture that can sustain democratic institutions over the long term. As the political philosopher John Dewey argued in "The Public and Its Problems" (1927), the central challenge of democratic governance in complex societies is not the design of institutions but the creation of a democratic public: a citizenry capable of identifying shared problems, deliberating about shared solutions, and holding governmental institutions accountable through informed engagement.

The study circles, the cultural magazine, the public intellectual commentary, the articulation of a democratic political philosophy grounded in Bangladesh's specific cultural and religious traditions, the modelling of democratic political practice through his own conduct: these contributions to what the Italian constitutional philosopher Gustavo Zagrebelsky calls "constitutional culture" in "The Gentle Republic" (1993) represent the most durable and most educationally significant aspect of Alam's political legacy. Constitutional institutions are only as strong as the constitutional culture that sustains them, and building that culture is a generational project that requires exactly the kind of intellectual and political work that Alam has been doing.

The parallel with earlier figures in Bangladesh's intellectual-political tradition is instructive. Sheikh Mujibur Rahman built a political movement and achieved national independence but failed to build the institutional and cultural foundations for democratic governance. The intellectuals of the Language Movement generation, figures like Zulfikar Ali Bhutto and Abdul Hamid Khan Bhashani, built a political culture of resistance but did not live to see it translated into stable democratic institutions. The challenge for Alam's generation is to achieve what those

earlier generations did not: the translation of a revolutionary political consciousness into a durable democratic culture, sustained by robust institutions and by the habits and practices of democratic citizenship.

This challenge is far more demanding than any specific policy achievement or institutional reform, because it requires the transformation not of laws and institutions but of political habits, norms, and expectations. The comparative evidence from successful democratic transitions, including South Korea, Taiwan, and the post-communist democracies of Eastern Europe, suggests that this cultural transformation is possible but requires sustained effort over two or three decades, not merely the energy of a single revolutionary moment.

53.5 Controversies and Critical Assessment: An Honest Accounting

An intellectually honest biography must engage seriously with the controversies and criticisms that surround its subject. Mahfuj Alam has been a controversial figure throughout his political career, and the criticisms that have been directed at him deserve fair examination.

The first and most persistent criticism concerns his role in advocating for the exclusion of the Awami League from political life. Critics, including human rights organisations and international democratic governance experts, have argued that the exclusion of a major political party from electoral competition, whatever the justification offered, sets a dangerous precedent that could be used by future governments to exclude political opponents, and that it undermines the pluralist foundations of democratic politics. This criticism has force. The militant democracy doctrine provides some theoretical grounding for the exclusion of genuinely anti-democratic forces, but its application requires careful procedural safeguards that the Bangladeshi process may not have fully satisfied. And the risk that the precedent established in 2025 and 2026 will be used by future governments to exclude opponents for partisan rather than genuine democratic reasons is a real one.

The second criticism concerns the International Crimes Tribunal proceedings against Sheikh Hasina. Critics have argued that the death sentence imposed in proceedings conducted in the absence of the defendant, through court-appointed rather than defendant-chosen counsel, does not meet the standards of fair trial required by Bangladeshi constitutional law and international human rights norms. Alam's support for these proceedings, framed as a commitment to justice for the victims of the July violence, has been criticised as prioritising political revenge over due process. This is a legitimate concern that must be taken seriously, even by those who believe that the underlying conduct was genuinely criminal and that accountability is necessary.

The third criticism is more structural: that the student movement and the transitional government it helped to constitute concentrated too much power in the hands of a relatively small group of movement leaders, and that the transition from movement leadership to governmental authority was managed in a way that privileged the interests and perspectives of the movement's core rather than of the broader population that the movement claimed to represent. The exclusion of established political parties from key transitional decisions, the concentrated influence of the student movement in the appointment of the interim cabinet, and the rapid move to ban the Awami League before a comprehensive political process had been conducted: all of these are

aspects of the transitional period that critics have argued represented an insufficient concern with democratic pluralism.

These criticisms are part of the ongoing conversation about Bangladesh's democratic development, and Alam's own intellectual honesty and commitment to democratic values suggest that he would not want them to be suppressed or ignored. A democratic political culture requires the capacity to hold its leaders accountable, including the leaders of movements that claim democratic purposes. The value of a rigorous educational textbook about Alam's biography lies in part in its capacity to facilitate exactly this kind of critical engagement.

CHAPTER FIFTY-FOUR: BANGLADESH AND THE GLOBAL SOUTH: IMPLICATIONS FOR DEMOCRATIC THEORY AND PRACTICE

54.1 The Global South in Democratic Theory: Challenging Eurocentric Frameworks

One of the most significant intellectual contributions that Bangladesh's democratic experience offers to global democratic theory is its challenge to the Eurocentric assumptions that have historically dominated transitology and democratic theory. The canonical texts of transitology, from O'Donnell and Schmitter's "Transitions from Authoritarian Rule" through Huntington's "The Third Wave" to the most recent contributions by Levitsky, Way, and their collaborators, have been primarily developed from the experience of Latin America and Eastern Europe, with some attention to East Asia. The specific conditions of South Asian democracy, including the relationship between religious identity and democratic politics, the role of madrasa education and Islamic intellectual traditions in political culture, the distinctive forms of patron-client politics, and the particular history of British colonial constitutional legacies, have been relatively under-theorised within the dominant frameworks.

The Bangladesh case challenges several of the most common assumptions of the transitology literature. The assumption that successful democratic transitions require elite pacts, in which the incumbent elite is given sufficient guarantees to accept the transition, is challenged by Bangladesh's relatively ruptured-style transition, which succeeded despite the absence of such guarantees. The assumption that strong civil society is a prerequisite for successful democratic transition, while partially confirmed by the role of the Anti-Discrimination Students Movement, requires qualification in light of the relative weakness of formalised civil society organisations in Bangladesh compared with the Eastern European cases. The assumption that economic development is a precondition for democratic consolidation, while consistent with some aspects of the Bangladesh case (the role of youth unemployment in fuelling the uprising), is complicated by the evidence from other Asian democracies that good institutions can support democratic development at relatively low income levels.

The postcolonial dimension of democratic theory is particularly relevant to the Bangladesh case. The postcolonial theorists, including Partha Chatterjee in "The Nation and Its Fragments" (1993), Achille Mbembe in "On the Postcolony" (2001), and Dipesh Chakrabarty in "Provincializing Europe" (2000), have argued that the political modernity of post-colonial societies cannot be

adequately understood through the categories developed from European experience. Colonial institutions, colonial epistemologies, and colonial structures of power have shaped the political trajectories of post-colonial societies in ways that require new theoretical frameworks rather than merely the application of established Western democratic theory to non-Western contexts.

The implications for the study of Bangladesh's democratic transition are significant. The constitutional forms that Bangladesh has used, parliamentary democracy, judicial review, electoral competition, are forms derived from the British colonial model. But their content, the political culture within which they operate, the social structures they govern, and the histories they reflect, are distinctively Bangladeshi and distinctively South Asian. Understanding Bangladesh's democracy requires engaging seriously with this distinctiveness, rather than measuring Bangladesh against a European or American template of democratic maturity.

54.2 The Muslim World and Democracy: Bangladesh as a Case Study

Bangladesh is one of the world's most populous Muslim-majority countries, and its experience of democratic politics offers important lessons for the broader debate about the relationship between Islam and democracy that has been one of the most contested questions in global political thought since the 1990s.

The clash of civilisations thesis, associated with Samuel Huntington's 1993 article and 1996 book "The Clash of Civilizations and the Remaking of World Order," argued that Muslim-majority societies were culturally ill-suited for liberal democratic governance because of fundamental incompatibilities between Islamic values and the individualism, secularism, and proceduralism of liberal democracy. This thesis has been subjected to extensive empirical and philosophical criticism, most powerfully by scholars who have documented the diversity of democratic practices within Muslim-majority societies and who have shown that the apparently poor democratic performance of many Muslim-majority countries is better explained by the specific historical conditions of colonialism, post-colonial authoritarianism, oil rentierism, and external intervention than by any intrinsic features of Islamic culture.

Bangladesh's democratic trajectory is one of the most important empirical challenges to the Huntingtonian thesis. It is a Muslim-majority country that has sustained a form of competitive politics, however flawed and interrupted, across more than three decades. It has produced popular movements for democratic change that have drawn on both Islamic and secular democratic traditions. It has generated intellectual figures like Mahfuj Alam who synthesise Islamic jurisprudential and secular democratic thought in sophisticated ways. And it has demonstrated the capacity for popular democratic mobilisation of a kind that refutes the claim that Muslim-majority populations are culturally passive in the face of authoritarian rule.

The post-Islamist theorists, as discussed throughout this textbook, provide the most sophisticated analytical framework for understanding Bangladesh's experience: the idea that Muslim-majority societies can develop democratic political cultures that accommodate Islamic values within pluralist constitutional frameworks, without imposing those values through state power, represents both an analytical description of Bangladesh's actual political trajectory and a normative prescription for its democratic future.

54.3 The Development-Democracy Nexus in the Global South

One of the most contested questions in the comparative politics of the Global South is the relationship between economic development and democratic governance. The dominant paradigm in international development for much of the post-Cold War period held that market-oriented economic development was a prerequisite for democratic consolidation: the so-called Washington Consensus, which associated economic liberalisation with political liberalisation, assumed that the creation of a market economy would create the social conditions for democratic politics. The experiences of China and Singapore, which have achieved spectacular economic development under authoritarian governance, challenge the automatic association of markets and democracy. The experiences of many African states, which adopted market-oriented economic policies in the 1990s under structural adjustment pressure but saw limited democratic progress, challenge the idea that economic development automatically produces democratic consolidation.

Bangladesh's specific development trajectory is relevant to this debate. Bangladesh achieved remarkable economic development in the 2000s and 2010s, with high growth rates driven primarily by the garment manufacturing sector, significant reductions in poverty, and substantial improvements in health and education indicators. This economic development occurred under the governance of a government, the Awami League's administration, that was progressively undermining democratic governance even as it was achieving economic growth. The coexistence of economic development and democratic backsliding challenges the simple developmental hypothesis that economic growth produces democratic politics.

What Bangladesh's experience suggests, consistent with the most sophisticated contemporary analysis of the development-democracy nexus, is that the relationship between economic development and democratic governance is mediated by institutional quality, political culture, and the specific forms of economic development achieved. A development model that concentrates economic gains in the hands of politically connected elites and that fails to provide economic security and opportunity for the educated young is precisely the development model that creates the conditions for democratic frustration and political mobilisation. The model that Bangladesh achieved under Hasina, high growth rates combined with rising inequality, a banking sector corrupted by political lending, and a labour market that failed to absorb the growing graduate population, created exactly the economic foundations for the July 2024 uprising.

54.4 The Digital Revolution and Democracy in the Global South

The digital revolution has transformed the possibilities for democratic politics in the Global South in ways that are only beginning to be theorised. The penetration of mobile phones, including smartphones capable of accessing social media and streaming video, has reached levels in countries like Bangladesh that would have seemed extraordinary a decade ago. This penetration has several democratic implications.

It has dramatically expanded access to political information, enabling citizens in rural areas and small towns to access a far wider range of political commentary and news than was possible when information was controlled by a small number of licensed broadcasters and print media outlets. It has created new platforms for political organising and mobilisation, enabling the rapid

assembly of large-scale protest movements without the slow and expensive processes of traditional organisational building. It has provided mechanisms for the documentation and dissemination of state violence that are extraordinarily difficult for authoritarian governments to control completely, as the July 2024 uprising demonstrated. And it has created new forms of political community, including online communities of like-minded citizens who can coordinate and build solidarity across geographical distances.

But the digital revolution also creates new democratic vulnerabilities. The algorithmic design of social media platforms, optimised for engagement rather than accuracy, creates structural incentives for the spread of emotionally charged and often inaccurate information. The concentration of power over digital infrastructure in the hands of a small number of global technology companies creates new forms of platform power that can be used to influence political outcomes. And the use of digital technologies for surveillance by authoritarian governments, including the monitoring of social media for political dissent and the use of mobile phone metadata to track the movements of political activists, creates new instruments of political control that can be as effective as the traditional instruments of censorship and arrest.

The governance of the digital environment is thus one of the most important institutional challenges for democratic transitions in the Global South, and Alam's role as Adviser for Information and Broadcasting placed him at precisely this challenge. The framework he attempted to develop, balancing press freedom and digital governance, free expression and protection against disinformation, platform accountability and resistance to platform censorship, will remain one of the most demanding challenges of democratic governance in Bangladesh and across the Global South for the foreseeable future.

CONCLUSION TO PART FIVE AND THE TEXTBOOK AS A WHOLE: THE UNFINISHED REPUBLIC AND ITS POSSIBILITIES

The Meaning of the Unfinished

The subtitle of this textbook, "Revolutionary Mind, State Power and the Unfinished Republic," reflects a deliberate theoretical and political choice. Bangladesh is an unfinished republic not because its founders failed or its leaders were inadequate, though both have sometimes been true, but because the project of democratic republican governance is by nature unfinished. Democratic politics does not arrive at a destination. It is a continuous practice, a way of managing the irreducible conflicts of political life through institutions and norms that channel those conflicts into productive rather than destructive forms. The republic is always unfinished because the work of building and sustaining democratic culture, protecting constitutional institutions, expanding the practical reach of democratic citizenship, and holding power accountable is never complete.

In Bangladesh's specific historical context, the "unfinished" character of the republic has a more pointed meaning. The promise of 1971, a democratic republic in which the sovereignty of the people would be genuinely exercised through accountable institutions, has been repeatedly

frustrated by military coups, constitutional manipulation, competitive authoritarian politics, and dynastic party politics. The July 2024 revolution represented a new attempt to make that promise real, to build the institutions and the political culture that would translate the aspiration of popular sovereignty into the practice of genuine democratic governance. Whether this attempt will succeed in ways that previous attempts have not is an open question.

What this textbook has argued, through its examination of Mahfuj Alam's biography and the theoretical frameworks that illuminate it, is that the success of this attempt depends on several interconnected factors: the quality of the constitutional and institutional framework established during the transitional period, the commitment of the major political actors to democratic norms even when those norms constrain their own power, the capacity of civil society to hold governmental institutions accountable, the ability of the economy to provide opportunities that reduce the desperation and inequality that authoritarian politics exploits, and the development of a democratic political culture that makes authoritarian consolidation increasingly difficult over time.

None of these factors is fixed or predetermined. They are all susceptible to political action, intellectual engagement, and the choices of individual political actors. This is what makes the study of a biography like Mahfuj Alam's both analytically instructive and politically significant: it demonstrates that individual choices and actions matter in the construction of political institutions and political cultures, that the quality of democratic governance is not merely the product of structural forces but of the quality of the people who participate in it.

The Textbook's Contribution to Democratic Education

The educational purpose of this textbook extends beyond the specific content of Mahfuj Alam's biography to the broader purpose of developing the analytical capacities necessary for democratic citizenship. Democratic citizenship, as this textbook has argued throughout, is not merely the exercise of electoral rights but the development of the capacity to understand political institutions, to evaluate political claims and arguments, to hold power accountable through informed engagement, and to contribute to the ongoing project of building a political community worthy of the name.

The theoretical frameworks engaged throughout this textbook, jurisprudential philosophy, constitutional theory, comparative politics, political sociology, democratic theory, postcolonial theory, the sociology of social movements, the political economy of media, transitional justice theory, and the philosophy of political ethics, are not merely academic tools. They are practical resources for democratic citizenship: they enable citizens to understand the institutional structures within which they operate, to evaluate the claims that political actors make about those structures, and to engage in the political deliberation through which democratic communities make collective choices.

The study of a political biography is one of the most effective vehicles for democratic education precisely because it combines the concreteness of individual lives and choices with the abstraction of institutional and theoretical analysis. Reading about Mahfuj Alam's formation, his political choices, his governmental responsibilities, his successes, and his limitations, provides

students with a window into the practical reality of political life that purely theoretical study cannot provide. And situating that biography within the rich theoretical frameworks that this textbook has engaged gives students the analytical tools to understand not merely what happened in Bangladesh in 2024 and 2025 but why, in what broader context, and with what implications for democratic politics more broadly.

A Final Reflection: The Democrat as Intellectual

This textbook has, across its five parts, traced the biography of a figure whose most distinctive characteristic is perhaps the combination of intellectual seriousness and practical political commitment. Mahfuj Alam is not primarily a political technician who operates on the basis of strategic calculation, though he is capable of strategic thinking. He is not primarily an institutional reformer who focuses on the mechanics of governmental organisation, though he has contributed to institutional reform. He is, at his core, a political intellectual: a person who takes ideas seriously as guides to political action, who engages with theoretical traditions as practical resources for democratic governance, and who understands the relationship between the quality of political thought and the quality of political outcomes.

This combination of intellectual seriousness and practical political commitment is rare and valuable. The history of democratic politics is full of examples of intellectuals who have failed to translate their theoretical sophistication into practical political effectiveness, and of practical politicians who have achieved short-term success without the intellectual foundations necessary for long-term democratic governance. The conjunction of both, while never perfect and always carrying its own tensions, is one of the most important things a democratic polity can develop.

John Stuart Mill argued in "Considerations on Representative Government" (1861) that the quality of democratic governance depends fundamentally on the quality of the citizens who participate in it, including the citizens who take on the burden of governmental responsibility. A democracy that produces citizens capable of the kind of intellectual engagement, practical wisdom, and moral commitment that genuine democratic governance requires is a democracy that has a chance of achieving what Bangladesh's founders promised in 1971 and what the July Revolution of 2024 renewed: a republic in which the people exercise genuine sovereignty through institutions that serve their interests rather than the interests of the powerful few.

That the republic is unfinished is not a counsel of despair. It is a recognition of the nature of democratic politics and an invitation to the continued work of democratic construction. The invitation is extended to every citizen, every student, every activist, and every political actor who reads these pages. The unfinished republic needs their engagement, their intelligence, their courage, and their commitment to the values that democratic politics, at its best, embodies.

EXTENDED BIBLIOGRAPHIC NOTE FOR PART FIVE

The scholarly sources engaged in this final part reflect the deliberately comparative and multidisciplinary character of the analysis undertaken.

On democratic backsliding and the global state of democracy, the essential contemporary sources are the V-Dem Institute's annual Democracy Reports (2024, 2025, 2026), available at v-dem.net; Freedom House's annual "Freedom in the World" reports; Nancy Bermeo's landmark article "On Democratic Backsliding" in *Journal of Democracy* 27, no. 1 (2016): 5-19; Steven Levitsky and Daniel Ziblatt's "How Democracies Die" (2018); and the more recent Stephan Haggard and Robert Kaufman's "Backsliding: Democratic Regress in the Contemporary World" (2021), updated by Kaufman's 2025 working paper "Backsliding and Democratic Resilience" from the Institute on Global Conflict and Cooperation.

On democratic transitions and transitology, the foundational texts are Guillermo O'Donnell, Philippe Schmitter, and Laurence Whitehead's four-volume "Transitions from Authoritarian Rule" (1986); Juan Linz and Alfred Stepan's "Problems of Democratic Transition and Consolidation" (1996); Samuel Huntington's "The Third Wave: Democratization in the Late Twentieth Century" (1991); and the more recent research by Steven Levitsky and Lucan Way in "Competitive Authoritarianism: Hybrid Regimes After the Cold War" (2010) and "Revolution and Dictatorship: The Violent Origins of Durable Authoritarianism" (2022).

On the Arab Spring and its comparative lessons, Asef Bayat's "Revolution Without Revolutionaries: Making Sense of the Arab Spring" (2017) provides the most analytically sophisticated account. For comparative analysis of the Eastern European transitions, see Timothy Garton Ash's "The Magic Lantern: The Revolution of '89 Witnessed in Warsaw, Budapest, Berlin and Prague" (1990) and Grzegorz Ekiert and Jan Kubik's "Rebellious Civil Society: Popular Protest and Democratic Consolidation in Poland, 1989-1993" (1999).

On digital media and democratic politics, Zeynep Tufekci's "Twitter and Tear Gas: The Power and Fragility of Networked Protest" (2017) remains essential. For the disinformation challenge, see Katharine Viner's essays on truth and journalism, the Stanford Internet Observatory's research on coordinated inauthentic behaviour, and the European Digital Media Observatory's reports on disinformation governance frameworks. On the EU AI Act and Digital Services Act and their implications for global digital governance, see the analyses published by the European Law Institute and the Centre on Regulation in Europe.

On comparative constitutional design, Zachary Elkins, Tom Ginsburg, and James Melton's "The Endurance of National Constitutions" (2009) provides systematic comparative analysis. Rosalind Dixon and Tom Ginsburg's edited "Comparative Constitutional Law" (2011) covers the range of constitutional design choices. On the basic structure doctrine, see Sudhir Krishnaswamy's "Democracy and Constitutionalism in India" (2009) for the Indian comparative context most relevant to Bangladesh. On the militant democracy doctrine, see *Militant Democracy*, edited by Andras Sajo (2004), and the European Court of Human Rights' jurisprudence on political party dissolution cases.

On transitional justice, Ruti Teitel's "Transitional Justice" (2000) provides the foundational theoretical framework. Jon Elster's "Closing the Books: Transitional Justice in Historical Perspective" (2004) provides the most comprehensive comparative analysis of the full range of transitional justice mechanisms. For recent developments in transitional justice theory and

practice, see the International Center for Transitional Justice's research publications and the Journal of International Criminal Justice.

On the political economy of media and democratic governance, Philip Napoli's "Foundations of Communications Policy" (2001) and Victor Pickard's "America's Battle for Media Democracy" (2015) provide analytical frameworks applicable beyond their American context. For the comparative analysis of public broadcasting reform, see Karol Jakubowicz and Miklos Sukosd's "Finding the Right Place on the Map: Central and Eastern European Media Change in a Global Perspective" (2008). On the specific challenges of disinformation governance, see the Reuters Institute for the Study of Journalism's annual Digital News Reports and the research of the Oxford Internet Institute's Computational Propaganda Research Project.

On Bangladesh's specific political economy and democratic trajectory, in addition to the sources cited in earlier parts of this textbook, readers should consult Ali Riaz's "Voting in a Hybrid Regime: Explaining the 2018 Bangladeshi Election" (2019); the International Crisis Group's January 2025 report "Bangladesh: The Dilemmas of a Democratic Transition"; the GIGA Focus report "Bangladesh's Democratic Transition: Revolution and Its Discontents" by Ishrat Hossain (2025); and Arafat Hosen Khan's analysis "Bangladesh's Constitutional Reforms: Caught Between Democratic Hopes and Authoritarian Resilience" published in ConstitutionNet in May 2025.

On the comparative analysis of youth political leadership and Generation Z politics, Melissa Deckman's "The Politics of Gen Z" (2024) provides the most recent comprehensive analysis. For the South Asian context, readers should consult Niels Spierings and Andrej Zaslove's comparative research on generational political change, and the specific analyses of youth mobilisation in South Asia published by the Woodrow Wilson Center's South Asia Program and the Institute of South Asian Studies at the National University of Singapore.

On post-colonial democratic theory and the challenge to Eurocentric frameworks, Partha Chatterjee's "The Politics of the Governed" (2004) and Mahmood Mamdani's "Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism" (1996) provide the essential theoretical resources for thinking about democracy beyond European frameworks. For the specific application of post-colonial theory to South Asian constitutional development, see Rajeev Bhargava's edited volume "Politics in India" (1999) and the essays collected in the companion volume "Civil Society, Public Sphere and Citizenship" (2005).

For the most current analysis of Bangladesh's electoral developments, constitutional reform process, and the outcomes of the February 2026 elections, readers should consult the ongoing reports of the Bangladesh Election Commission, the analyses published by the South Asia @ LSE blog including Ashequn Nabi Chowdhury's February 2026 analysis "Bangladesh Elections: Democratic Transition or Ideological Shift?", and the scenario analysis published by The Geopolitical Desk in January 2026, "A Scenario Analysis of the Democratic Transition in Bangladesh."

End of Part Five

End of the Textbook: Biography of Mahfuj Alam: Revolutionary Mind, State Power and the Unfinished Republic

Final Editorial Note

This textbook has attempted, across its five parts, to do justice to the extraordinary complexity of its subject: the biography of a young man from a rural madrasa in Lakshmipur who became a student activist, a political strategist, a governmental minister, and an intellectual figure of national significance, all within the space of a decade marked by one of the most dramatic political transformations in South Asian history. The ambition has been not merely to record these events but to understand them: to identify the intellectual traditions, theoretical frameworks, institutional structures, and political choices that explain what happened and why it matters.

The claim of this textbook is that Mahfuj Alam's biography matters, not merely as the story of an interesting individual, but as a case study in the most fundamental questions of democratic politics: how democratic change happens, what intellectual resources are needed to sustain it, what institutional structures are necessary to make it durable, and what political culture is required to make it genuine. These questions matter not only for Bangladesh but for every society that is attempting to build or defend democratic governance in an age of democratic recession.

The unfinished republic is not only Bangladesh. It is the democratic project everywhere: permanently incomplete, perpetually contested, sustained only by the commitment and intelligence of those who believe that collective self-governance, accountable institutions, and the protection of individual dignity and freedom are worth the effort. This textbook is offered as a contribution to that belief and that effort.

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